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Items 12 and 92 of the
preliminary list*

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

DEVELOPMENT AND INTERNATIONAL ECONOMIC COOPERATION

Letter dated 12 May 1993 from the Chargé d'affaires a.i. of the
Permanent Mission of Zimbabwe to the United Nations addressed
to the Secretary-General

I have the honour to submit to you, on behalf of the Government of the Republic of Zimbabwe, a request for the convening of a Consultative Meeting for Africa on the implementation of the guidelines for consumer protection.

You will recall that the African Regional Workshop on Consumer Protection, in which many consumer organizations from the southern and eastern African region participated, was hosted by Zimbabwe in July 1992. That workshop concluded that consumer rights had not been adequately supported by appropriate legislation and human and financial resources. The Government of Zimbabwe therefore believes that there is an urgent need for action to be taken in this regard.

I would also wish to take this opportunity to indicate to you that, should the proposed consultative meeting be convened, Zimbabwe would be prepared to host it.

I should be grateful if you could have the text of the present letter distributed as a document of the General Assembly under items 12 and 92 of the preliminary list.

(Signed) N. SENGWE
Chargé d'affaires a.i.

* A/48/50.



General Assembly

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Item 87 of the preliminary list*

COMPREHENSIVE REVIEW OF THE WHOLE QUESTION OF PEACE-KEEPING OPERATIONS IN ALL THEIR ASPECTS

Report of the Special Committee on Peace-keeping Operations

Rapporteur: Mr. Abderahman S. ABDERAHMAN

I. INTRODUCTION

1. The General Assembly, in its resolution 47/71 of 14 December 1992, took note of the reports of the Special Committee on Peace-keeping Operations (A/47/253 and A/47/386) and decided that the Special Committee, in accordance with its mandate, should continue its efforts for a comprehensive review of the whole question of peace-keeping operations in all their aspects; and requested the Special Committee to submit a report on its work to the Assembly at its forty-eighth session (para. 59).
2. In paragraphs 60 and 61 of the resolution, the General Assembly invited Member States to submit any further observations and suggestions on peace-keeping operations to the Secretary-General by 1 March 1993, outlining proposals on specific items in order to allow for more detailed consideration by the Special Committee, with particular emphasis on practical proposals to make those operations more effective; and requested the Secretary-General to prepare, within existing resources, a compilation of the above-mentioned observations and suggestions and to submit it to the Special Committee by 30 March 1993.
3. In accordance with General Assembly resolution 2006 (XIX) of 18 February 1965 and 43/59 B of 6 December 1988, the Special Committee is composed of the following Member States: Afghanistan, Algeria, Argentina, Australia, Austria, Canada, China, Denmark, Egypt, El Salvador, Ethiopia, France, Germany, Guatemala, Hungary, India, Iraq, Italy, Japan, Mauritania, Mexico, Netherlands, Nigeria, Pakistan, Poland, Romania, Sierra Leone, Spain,

* A/48/50.

Thailand, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela and Yugoslavia.

4. The Special Committee on Peace-keeping Operations held six meetings, on 5, 19 and 21 to 23 April and 19 May 1993.

5. Opening the 112th meeting, held on 5 April, Mr. Marrack Goulding, Under-Secretary-General for Political Affairs, suggested that one area which merited the Special Committee's attention should be the question of political conditions that had to be fulfilled if peace-keeping operations were to succeed. Those conditions related to the clarity of their mandates, such as the consent of the parties to the conflicts to the deployment of peace-keeping operations and their continuing cooperation. He believed that the Special Committee could play a very valuable role if it reminded Member States and their legislative bodies of how important it was, at a time when resources available were limited, to ensure that peace-keeping operations were only set up in conditions where those operations could reasonably be expected to succeed.

6. At the same meeting, the Special Committee elected the following representatives as the Committee's officers for a term of one year: Ambassador Ibrahim A. Gambari (Nigeria), as Chairman; Ambassador Emilio J. Cardenas (Argentina), Ambassador David Malone (Canada), Mr. Shigeki Sumi (Japan) and Mr. Grzegorz Polowczyk (Poland), as Vice-Chairmen; and Mr. Abderahman S. Abderahman (Egypt), as Rapporteur.

7. The Special Committee also discussed its organization of work and decided to establish an open-ended Working Group, to be chaired by Canada, to consider the substance of the mandate entrusted to the Special Committee by the General Assembly in its resolution 47/71.

8. The Special Committee received requests for observer status from the Permanent Missions to the United Nations of Bangladesh, Belgium, Brazil, Bulgaria, Colombia, Cuba, Cyprus, the Czech Republic, Fiji, Finland, Indonesia, Iran (Islamic Republic of), Ireland, Lesotho, the Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malaysia, Nepal, New Zealand, Nicaragua, Norway, the Philippines, Portugal, the Republic of Korea, the Republic of Moldova, Senegal, Singapore, the Slovak Republic, Sweden, Turkey, Ukraine, Uruguay, Viet Nam and Zimbabwe. It also received similar requests from the Permanent Observer of Switzerland as well as the delegation of the International Committee of the Red Cross (ICRC). The Special Committee took note of their requests and welcomed their participation in the meetings of the Committee and its open-ended Working Group as observers. The Special Committee also decided to accept a request from the International Peace Academy (IPA) to monitor the work of the Special Committee during its session without prejudice to the Committee's right to reconsider its decision in the future.

9. As a basis for its discussion, the Special Committee had before it the report of the Secretary-General (A/AC.121/40 and Add.1 and 2) containing further observations and suggestions on peace-keeping operations submitted by Member States at the request of the General Assembly in paragraph 60 of its resolution 47/71. Also before the Special Committee was a draft working document entitled Bureau Working Document No. 1/Rev.1, which was prepared by the Bureau based, inter alia, on the submissions of Member States to the Secretary-General and

contained a list of specific items and elements for possible consideration by the Special Committee (annex I).

II. GENERAL DEBATE AND WORKING GROUP CONSIDERATIONS

10. At its 113th to 116th meetings, held from 19 to 23 April, the Special Committee held a general debate on the matters before it.

11. The general debate was followed by discussions at the informal open-ended Working Group, which convened seven meetings between 26 April and 13 May. As a basis for its consideration, the Working Group had before it Bureau Working Document No. 2/Rev.1-3, which contained specific proposals from delegations for inclusion in the conclusions and recommendations of the present report.

12. At its 113th meeting, held on 19 April, the Special Committee invited Mr. Kofi Annan, Under-Secretary-General, Department of Peace-keeping Operations, to address the Special Committee. Mr. Annan stated that, in parallel with a sharp rise in number, United Nations peace-keeping operations had been evolving at a rapid pace in terms of their mandates: in Somalia and Bosnia and Herzegovina, United Nations peace-keepers were being used to safeguard the delivery of humanitarian aid; in Somalia, new ground had been broken by giving a United Nations operation the mandate, under Chapter VII of the Charter, to enforce the decisions of the Security Council; and in The Former Yugoslav Republic of Macedonia, a peace-keeping operation had been deployed for the first time for preventive purposes.

13. Referring to "An Agenda for Peace: preventive diplomacy, peacemaking and peace-keeping" (A/47/277-S/24111), in which the Secretary-General suggested that stand-by arrangements be concluded between the United Nations and Member States, Mr. Annan drew attention to the ongoing effort to search ways and means through which Member States could be encouraged to develop stand-by arrangements for peace-keeping personnel. To that end, a special planning team had already been set up with the task of defining standard components from which different types of peace-keeping operations might be put together. On funding, he hoped that the General Assembly would consider favourably during its forty-eighth session the Secretary-General's proposal that it appropriate one third of the estimated cost of each new operation as soon as the Security Council had decided to establish it. On the proposal for the establishment of a reserve stock of equipment, he mentioned that such a reserve stock would be used as a buffer stock to be drawn on for ongoing operations and the subsequent replenishment charged to their respective accounts. Training manuals were now being prepared for troops, military observers and civilian police. Mr. Annan stated that the Department of Peace-keeping Operations and the Field Operations Division were being expanded gradually to meet the increased demand. While appreciating the generosity of Member States, which made available military personnel to the Department free of charge, he said that it would be unrealistic for the Secretariat to continue to depend on such generosity and that in time the Secretariat would have to turn to Member States to fund additional posts to meet the increasing peace-keeping demands.

14. The Special Committee, at its 114th meeting, on 21 April, invited the President of the Security Council, Ambassador Jamsheed Marker (Pakistan), to

brief the Committee on the Council's work with respect to the Secretary-General's report entitled "An Agenda for Peace". He focused on the Council's recommendations issued in the form of presidential statements, including those concerning peace-keeping operations, safety of United Nations forces and personnel, fact-finding, cooperation with regional organizations, humanitarian assistance and post-conflict peace-building.

15. At its 115th meeting, on 22 April, the Special Committee invited the Chairman of the Informal Open-ended Working Group of the General Assembly on "An Agenda for Peace", Ambassador Nabil Elaraby (Egypt). He presented a detailed account on the work of the Working Group, which had a direct bearing on the issues dealt with by the Special Committee. He stressed that the Special Committee was uniquely qualified to achieve substantial progress towards reaching consensus recommendations on ideas related to peace-keeping operations contained in "An Agenda for Peace".

16. Also invited at the same meeting was the President of IPA, Ambassador Olara Otunnu. Ambassador Otunnu elaborated on the role and work of IPA, including training of peace-keeping personnel, policy research and the conflict resolution and crisis management programme for Africa.

17. General Joseph M. Baril, Military Adviser to the Secretary-General, was invited to address the Working Group, together with Mr. Denis Beissel, Deputy Director of the Field Operations Division, and Mr. Leon Hosang, Assistant Director of the Unit for Peace-keeping Matters and Special Assignments, Financial Management and Control Division. Mr. Joachim Hütter, Principal Officer of the Department of Peace-keeping Operations, attended the Working Group meetings to answer relevant questions posed by delegations.

18. The debates of the Special Committee were marked by an intensive exchange of substantive and constructive views on specific aspects of peace-keeping operations, reflecting the growing relevance of the Special Committee in forging the Organization's peace-keeping guidelines and standards. More than ever, delegations agreed, was the Special Committee qualified to assume a major role in shaping the current and future peace-keeping operations in all their aspects in a shared quest for enhanced and more effective peace-keeping operations.

19. The tenor of the debates also reinforced the view that United Nations peace-keeping was at a critical juncture. With the demand on peace-keeping operations soaring, the past year alone witnessed not only an exponential growth in their number but also a dramatic evolution of their mandates. Increasingly, United Nations operations were moving beyond the confines of their traditional concept and taking on more complex tasks in sometimes very difficult situations. Elements such as electoral assistance, humanitarian relief activities, human rights monitoring, assistance to nation-building, border monitoring and sanctions enforcement monitoring had come to be associated with United Nations peace-keeping. Some delegations, however, expressed reservations over some of those elements.

20. In view of the increasing complexity and diversity of peace-keeping operations, most delegations acknowledged that reliable, stable and timely availability of financial, human and material resources had become an ever more

important factor in ensuring smooth and effective management of peace-keeping operations.

21. Many delegations welcomed the steps taken by the Secretariat to implement the idea of developing stand-by arrangements for military and civilian personnel for peace-keeping participation. Such arrangements, in their view, could prove particularly important for the ability of the Organization to establish peace-keeping operations. Some delegations also saw merit in the establishment of a list of experts available from within the Secretariat as well as from Member States for fact-finding, technical and good offices missions. To ensure timely availability of material resources, a number of delegations endorsed the idea of stockpiling essential and standard peace-keeping equipment.

22. In the light of the increasing demand for civilians for a diversity of responsibilities, some delegations expressed concern about the lack of qualified civilian personnel for tasks such as electoral assistance, human rights monitoring, assistance in repatriation of refugees and the establishment of a transitional authority. Several delegations saw a need for an enhanced recruitment of civilian personnel and for the development of proper stand-by arrangements for peace-keeping operations, training and operational manuals and directives for the civilian personnel engaged in various kind of operations. Some delegations, however, expressed reservations over some of those aspects.

23. The precarious financial situation of peace-keeping operations continued to preoccupy delegations as a major source of concern. Despite the fact that the pattern of payment improved in 1992, it was noted with a sense of alarm that the amount of outstanding assessed contributions was even higher than in previous years because of a sharp rise in overall peace-keeping expenditures. On that point, it continued to be the dominant view among delegations that peace-keeping was a collective responsibility to be borne by all Member States under the Charter and, thus, all assessed contributions must be paid in full and on time. Many delegations welcomed the establishment in January 1993 of the Peace-keeping Reserve Fund designed to cover the start-up costs of future peace-keeping operations.

24. Many delegations reaffirmed that the current special assessment scale should be maintained and institutionalized as it, in their opinion, most accurately and fairly reflected the special responsibility of the permanent members of the Security Council as well as the limited financial capacity of developing countries. A number of delegations did not agree, questioning the assumption that permanent membership of the Council entailed a special financial responsibility. Some delegations expressed the view that continued peace-keeping benefits could only be assured through the equitable distribution of financial responsibility and indicated that the matter should be considered by the Fifth Committee of the General Assembly. Some delegations reiterated that sources of peace-keeping funding should be diversified so as to include donations from business corporations and other private and non-governmental sources raised by such means as international fund-raising campaigns. The view was expressed that the least developed countries should be exempted from the payment of contributions to any United Nations peace-keeping operation. Otherwise, they should be asked to make only a token and symbolic contribution.

25. Some delegations encouraged the consideration in the appropriate forums of further measures that could improve the financing of the peace-keeping operations, including the possibility of a unified peace-keeping operations budget with a consolidated annual billing system that took into account legislative budget cycles of Member States to the extent possible. Some delegations expressed concern at the current delays in the reimbursement to troop-contributing countries, especially to the developing countries, since the persistence of such a situation would make it very difficult for countries with limited resources to participate in peace-keeping operations, thus compromising the principle of broad participation in such operations.

26. Many delegations touched upon the Secretariat reorganization and welcomed the recent strengthening of its peace-keeping management and planning capacity. Among the welcome developments cited were the appointments of a training as well as a demining adviser in the Department of Peace-keeping Operations. Some delegations suggested further improvements, including an enhanced planning and management capacity.

27. Some delegations praised the establishment in the Secretariat of an around-the-clock monitoring system covering the United Nations Protection Force and the United Nations Operation in Somalia. The initiative taken by the Secretariat, they hoped, would soon lead to the creation of a full-fledged situation room covering all the ongoing operations in the field.

28. A number of delegations stressed the need for an increased information-gathering and analytical capability within the Secretariat. A suggestion was made that a system of global monitoring with the use of most up-to-date aerospace equipment should be established to monitor the development of both the existing and potential crises, including the observation of cease-fire accords and the flow of refugees. However, other delegations stressed the importance of cost effectiveness in considering the strengthening of the Organization's information-gathering capability. It was stressed that Member States should be kept informed of such capabilities.

29. The idea of establishing a logistics doctrine for peace-keeping operations earned support from many delegations, who were convinced that such a step would enhance the efficiency of peace-keeping operations. It was considered important to prepare a comprehensive manual of logistics policies so as to standardize logistics practices and procedures for future United Nations operations. A point was made that this should be done by the competent organs of the United Nations through United Nations financing.

30. While welcoming the increasing recourse to United Nations peace-keeping for the maintenance of international peace and security, some delegations stressed anew that peace-keeping operations should be of a temporary nature and that the Security Council should reconsider or, if needed, even terminate operations whose mandates had become unworkable. However, some delegations maintained that it was essential that a peace-keeping operation established to maintain peace remain in place until the problem was resolved. In that connection, some delegations stated that the Secretary-General should submit regular performance reports on all operations, including those operations with open-ended mandates.

31. Some delegations saw the growing necessity to maintain close cooperation and communication between the Secretariat and Member States, particularly those more directly interested and those making substantial personnel and financial contributions. A number of delegations appreciated that there was a growing number of informal consultations conducted between the Secretariat and troop contributors, and hoped that that practice would continue in the future on a frequent and regular basis. The suggestion was made that a process should be established whereby the President of the Security Council attended troop contributor meetings *ex officio*.

32. The precipitous rise in demand for peace-keeping operations, as well as an expansion in their scope and nature, had brought about an urgent necessity to develop and then maintain uniform and high standards for peace-keeping operations. A key factor to attain that goal, according to many delegations, was training. It was essential that units or individuals deployed were able to carry out their tasks effectively. It was therefore stressed that there was an urgent need to develop a framework for a joint training programme to meet the foreseeable future requirements for peace-keeping operations. The training should be based on a standardized curriculum for both traditional peace-keeping skills and those, such as demining and electoral monitoring, which were newer and more specialized. The objective should be to create a diverse international pool of peace-keeping personnel with comparable skills, knowledge, discipline and code of conduct able to work together effectively on short notice. Increased inter-operability between troops from different countries to function together should also be a main aim of peace-keeping training. Some delegations stressed that primary responsibility for training of peace-keeping personnel lay with Member States.

33. Many delegations believed that training for the trainers from contributing countries would yield high dividends for the effectiveness of peace-keeping operations. The establishment of regional training centres could also be a useful option. Other options might include cross-fertilization of experience through the loan and exchange of expert officers as instructors and the development of further useful peace-keeping manuals and publications.

34. Some delegations proposed a more proactive approach to the dissemination of accurate peace-keeping-related information and, to that end, the strengthening of media relations. The United Nations must work harder to get its story out. That would mean explaining mandates of peace-keeping operations and plans to implement them as they were developed, setting achievable objectives by which their success - or failure - could be measured, acknowledging sound criticism while also challenging inaccurate reporting where it occurred. The external communications dimension was tremendously important in order for support to be built among and within directly affected States and also among troop-contributing countries.

35. A substantial part of the debate revolved around the relevant proposals the Secretary-General had put forward in his report "An Agenda for Peace".

36. Many delegations noted with satisfaction the ongoing debates taking place on "An Agenda for Peace" in the Informal Open-ended Working Group of the General Assembly as well as in the Working Group of the Security Council. Some

delegations called for regular coordination and consultation between those bodies and the Special Committee.

37. A number of delegations believed that the Special Committee should endorse the concept and practice of preventive deployment as one that could be helpful in preventing conflict. They were convinced that, compared with traditional peace-keeping, preventive actions would be preferable. Members of the Special Committee also noted that demilitarized zones, including those for preventive purposes, had been and would continue to be essential tools in support of some United Nations peace-keeping efforts.

38. However, some delegations urged caution, maintaining that care must be taken to ensure that time-tested, traditional principles of peace-keeping, including the principle of consent, should be strictly applied. In particular, the use of preventive deployment and demilitarized zones for internal crisis might not be acceptable as it involved a high risk of interfering in internal matters of sovereign States.

39. The debate on "An Agenda for Peace" also involved in-depth discussion on the concept of peace enforcement. Some delegations considered that, under special circumstances and in rare cases, the concept underlying peace enforcement units might have validity and that the international community should not shy away from making use of that concept. Just such a special case was Somalia, where the authority of the central Government was completely destroyed and chronic civil strife had resulted in a serious deterioration of the humanitarian situation. What was needed, in their view, was a thorough and comprehensive examination of the concept. At that juncture, a number of delegations maintained that a clear distinction between peace-keeping and peace enforcement operations should be preserved. Particular caution was required in that regard if peace-keeping and peace enforcement operations were envisaged in the same area at the same time.

40. Specific proposals were made with respect to peace enforcement. Some delegations suggested that Member States should consider making their personnel available to peace-enforcement units. Another suggestion was made that in addition to the standard operating procedure for traditional peace-keeping operations, a separate standard operating procedure should be drafted by the Secretariat for those operations which included enforcement measures taken under Chapter VII of the Charter. A new standard operating procedure would specify a detailed set of rules of engagement, such as under what circumstances and to what extent the United Nations was allowed to use force.

41. However, reservations were expressed by those delegations which considered that Chapter VII of the Charter dealt with situations of an exceptional nature. They asserted, therefore, that the Organization should embark on a Chapter VII enforcement operation only on a case-by-case basis. A point was made that the concept of peace enforcement had yet to secure approval by the General Assembly.

42. In the course of the debate on the evolving concept of peace-keeping operations, as suggested in "An Agenda for Peace", a number of delegations pointed out that several recent peace-keeping operations were launched in circumstances different from those in the past. In some of the situations requiring peace-keeping now, there were no two sides to separate, no cease-fires

holding. Consequently, they believed, the principles governing future peace-keeping operations and the nature of troops needed would have to differ from those for traditional peace-keeping. It would be regrettable, according to those delegations, if the Special Committee failed to address the very real problems and achievements of newer operations simply because they did not fit classic conceptions of peace-keeping.

43. At that juncture, some delegations went further to argue that it might be necessary gradually to decouple peace-keeping operations from their traditional principles, in particular the requirement for the prior consent of all the parties concerned. Others asserted that such a requirement should not be used as a pretext by a State or a party to a dispute to undermine peace-keeping operations. The situations in Somalia and Bosnia and Herzegovina, in their view, also put in question other principles such as the absolute respect for national sovereignty and the unconditional restraint from interference in internal affairs.

44. However, strong concern about such deviations from traditional principles was voiced by those delegations which believed that, together with the principles and provisions of the Charter of the United Nations, time-tested principles should continue to be the basis for peace-keeping operations. According to them, success of peace-keeping depended heavily on strict compliance with the principles and practices that had guided such operations over the years, in particular the requirement for the prior consent of parties to conflicts. Any deviation from them was not only undesirable but would lead to failure. A number of delegations also stressed that reliance on such measures as sanctions and the use of force would be counterproductive as they only complicated situations. In that regard, extreme caution was advised in consideration of military means for resolution of disputes, including the use of peace enforcement units. Some delegations considered recourse to force a grave matter, which should only be used as a last resort.

45. Many delegations were in favour of encouraging further cooperation and coordination between the United Nations and regional organizations and arrangements in all phases of peace-keeping operations within their respective area of competence. Some delegations emphasized that the cooperation and coordination between the United Nations and regional organizations and arrangements should be strictly in accordance with Chapter VIII of the Charter. A proposal was made that a new mechanism, financed by voluntary sources and user fees, should be set up in the Secretariat to provide advice and assistance to eligible regional organizations for the enhancement of their capacity to employ confidence-building measures and undertake fact-finding, mediation, monitoring and peace-keeping missions. Some delegations objected to the notion of user fees in that context.

46. A delegation expressed the view that a distribution of responsibility between the United Nations and regional organizations could be applied to the settlement of conflicts and complicated humanitarian situations that had emerged on the territory of the former Union of Soviet Socialist Republics. It was stressed that broader involvement of the United Nations in the settlement of those conflicts could play a positive role.

47. While acknowledging that the Security Council bore primary responsibility for the maintenance of international peace and security, many delegations supported the Secretary-General's view that such responsibility must also be shared by the General Assembly and all the functional elements of the Organization. According to those delegations, the ideas suggested by the Secretary-General in "An Agenda for Peace" could provide fertile ground for the General Assembly to exercise a more active role in peace-keeping, not only in the field of financing but also in such areas as coordination between competent United Nations bodies, formulation of guidelines and principles, and support for the Secretary-General in managing operations.

48. The issue of the safety and security of peace-keeping personnel was of paramount concern to most delegations. As the United Nations took on more complex and risky mandates, the safety and security of United Nations troops and other personnel required more attention than it had received in the past. It was generally agreed that a more comprehensive, systematic and practical approach was needed to address the issue.

49. While noting that host Governments were primarily responsible for the safety of peace-keeping personnel, delegations acknowledged that there were some occasions when host countries and parties to conflicts had neither the ability nor the will to protect United Nations personnel. Under such circumstances, the United Nations itself had the primary responsibility to protect its personnel.

50. A variety of measures, ranging from the improvement of the existing mechanisms to the development of a new international legal regime, were proposed to enhance the safety and security of peace-keeping personnel. A suggestion was made that the General Assembly should establish an ad hoc working group to draft an international convention on the status and safety of United Nations personnel (see annex II, appendix, for the text of a draft convention submitted by a delegation). However, some delegations voiced doubts on the usefulness of a new international convention. It was pointed out that such a convention might not be sufficient as it only bound those States which ratified it. The point was made that the coverage of such a convention should not include those locally recruited by the United Nations. Other proposals put forward by delegations included more forceful actions to be taken by the Security Council, the provision to personnel of adequate protective gear, the reconfirmation of the existing principles and obligations of host Governments, improved information-gathering capacity of the Organization and the establishment of a unified compensatory system for the death and injury of peace-keeping personnel.

51. Delegations noted that, in accordance with the request made by the Security Council in its statement of 31 March 1993 (S/25493), the Secretary-General was to prepare a report on existing arrangements for the protection of United Nations forces and personnel and the adequacy thereof. It was noted that that report would assist the Special Committee in deciding what follow-up might be taken to enhance the status and safety of United Nations peace-keeping personnel.

III. CONCLUSIONS AND RECOMMENDATIONS

52. Having considered the suggestions and proposals presented by Member States, the Working Group submitted the following conclusions and recommendations to the Special Committee for its approval and transmittal to the General Assembly at its forty-eighth session.

A. RESOURCES AND FINANCES

1. Stand-by personnel and stand-by forces

53. The Special Committee welcomes the initiative of the Secretary-General on stand-by forces and arrangements for peace-keeping operations and looks forward to periodic reports on that initiative.

54. The Special Committee recommends that contact between the Secretariat and Member States should be enhanced with a view to clarifying the military and civilian needs for the United Nations peace-keeping operations and such capabilities of Member States as could be made available for those operations.

55. The Special Committee encourages Member States, to the extent their domestic arrangements permit, to develop, in cooperation with the Secretariat, arrangements for military, police and civilian personnel for participation in peace-keeping operations and to notify the existence and contents of such arrangements to the Secretary-General on an ongoing basis.

56. The Special Committee recommends that the feasibility of establishing a data bank of Member States' capabilities, funded from within existing resources, be developed and updated at regular intervals.

57. The Special Committee recommends that the requirements part of the study team's results be reflected in the "Notes for the guidance of troop contributors" so that Member States can react in a coordinated manner.

2. Material resources and services

58. The Special Committee stresses again the need for the United Nations to be given the resources commensurate with its growing responsibilities in the area of peace-keeping, particularly with regard to the resources needed for the start-up phase of such operations.

59. The Special Committee takes note of the Secretary-General's recommendations concerning the timely provision of basic peace-keeping equipment and suggests the development of a limited revolving reserve of such equipment within existing resources.

60. The Special Committee invites the Secretary-General to negotiate with Member States their willingness to earmark certain equipment specified by the Secretary-General for immediate sale, loan or donation to the United Nations when required.

61. The Special Committee encourages Member States to make available air and sea-lift capacity to the United Nations at highly competitive rates.

62. The Special Committee requests the Secretariat to develop guidelines concerning the disposition of United Nations equipment upon the termination of a peace-keeping operation.

Financing

63. The Special Committee recalls that the financing of peace-keeping operations is the collective responsibility of all Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations, reiterates its call upon all Member States to pay their assessed contributions in full and on time and encourages those States which can do so to make voluntary contributions that are acceptable to the Secretary-General.

64. The Special Committee once again invites the Secretary-General to review, as appropriate, the applicable United Nations financial and administrative regulations concerning peace-keeping operations. To that end, the Committee urges that steps be taken to strengthen lateral communication and the distribution of information within the Secretariat.

65. The Special Committee requests the Secretary-General to strengthen the financial arrangements of peace-keeping operations through appropriate internal and external controls. The Special Committee also stresses the need to ensure that appropriate accountability is maintained.

66. The Special Committee stresses the need to delegate the appropriate degree of financial and administrative authority to the force commanders, or special representatives while ensuring elements of responsibility and accountability are not diminished in order to increase the missions' capacity to adjust to new situations and specific requirements.

67. The Special Committee, noting that a number of military officers have been seconded to the Secretariat on a voluntary basis, urges the Secretary-General to implement financial arrangements within existing resources whereby all Member States can contribute to such a system in the future.

68. The Special Committee calls upon the Secretariat to prepare comprehensive budget estimates for all new and ongoing peace-keeping operations in a timely fashion in order to allow for a thorough examination by the Advisory Committee on Administrative and Budgetary Questions and the General Assembly.

69. The Special Committee stresses the importance of reimbursing all outstanding dues of troop-contributing States without delay and requests the Secretary-General to report to the General Assembly in that regard.

70. The Special Committee reaffirms the competence of the General Assembly for the appropriation and apportionment of the costs of United Nations peace-keeping operations and notes the importance for the Security Council to consider, inter alia, the availability of adequate physical and material resources, and the cost implications, before it establishes new peace-keeping operations.

71. The Special Committee considers, in view of the critical financial situation of the United Nations, as described in the report of the Secretary-General of 5 October 1992 (A/C.5/47/13), that the issue of supplementing diversified financial resources, on terms acceptable to the Secretary-General, to the assessed contributions should be studied further in all the appropriate forums.

72. The Special Committee encourages the consideration in the appropriate forums of further measures that could improve the financing of the peace-keeping operations, including the feasibility of an improved billing system.

73. The Special Committee requests the Secretary-General to consult with Member States during his current review of the rates of reimbursement for depreciation of contingent-owned equipment deployed at the request of the United Nations.

74. The Special Committee asks the Secretariat to compile all the existing financial rules and regulations relating to peace-keeping into a comprehensive document available to Member States.

75. The Special Committee welcomes the creation of the Peace-keeping Reserve Fund but notes with concern that the heavy demand in peace-keeping has depleted the Fund considerably. The Special Committee stresses that the Fund should be used for meeting its primary purpose.

B. ORGANIZATION AND EFFECTIVENESS

1. Headquarters staffing (planning, control and coordination)

76. The Special Committee suggests that the Security Council and the Secretary-General continue to analyse a given situation very carefully before the establishment of a United Nations peace-keeping operation. A realistic mandate, including clear objectives and time-frame for the resolution of the problem, as appropriate, should be formulated in each case, conducive to the furtherance of the political process. The Security Council should periodically review the effectiveness of current operations with a view to ensuring that they are consistent with the objectives and the mandates as approved by the Council. The Special Committee also affirms that no change in the mandate, character or duration of the peace-keeping operations authorized by the Security Council is possible except through a specific decision of the Council.

77. The Special Committee welcomes the initiatives undertaken by the Secretary-General to strengthen and reform those units of the Secretariat dealing with peace-keeping.

78. The Special Committee stresses the need for the Secretariat to deal effectively and efficiently with planning, launching, managing and providing administrative and logistics support to peace-keeping operations and urges the Secretary-General, as the chief administrative officer of the Organization, to initiate a comprehensive review of the role, tasks and functions of the various units of the Secretariat with a view to identifying the optimum Secretariat structure in that respect.

79. The Special Committee takes note of the transfer of the Field Operations Division from the Office of General Services to the Office of the Under-Secretary-General for Administration and Management. The Special Committee further encourages the Secretary-General to continue his efforts to strengthen and make more effective the planning, management and administrative support within the departments responsible for peace-keeping operations, including the Field Operations Division, and in that connection, invites him to consider whether or not the transfer of relevant parts of the Field Operations Division to the Department of Peace-keeping Operations would enhance the process.

80. The Special Committee further urges the Secretary-General in his review of Secretariat capabilities to improve information flow and planning capability, and to enhance communications between United Nations Headquarters and field missions, in order effectively to manage peace-keeping operations and inform Member States as appropriate.

81. The Special Committee requests the Secretary-General to keep Member States informed on organizational responsibilities of the various units of those Secretariat departments responsible for peace-keeping operations.

82. The Special Committee invites the Secretary-General to identify a focal point for contacts by Member States seeking information on all facets, including operational, logistics and administrative matters, of ongoing and planned peace-keeping operations.

83. The Special Committee invites the Secretary-General to continue arrangements and procedures for providing additional personnel on a short-term basis in order to ensure that the Secretariat can respond effectively and efficiently to fluctuations in its workload, particularly when new operations are planned and launched, and keep the Member States informed of such procedures.

84. The Special Committee once again invites the Secretary-General to consider means whereby special representatives, force commanders and other key personnel of newly approved missions are identified and involved in the planning process at the earliest possible time.

2. Situation room

85. The Special Committee welcomes the initiative to establish in the Department of Peace-keeping Operations a situation room for certain operations, which will operate on a 24-hour/7-day-a-week basis, and will be equipped with appropriately standardized communications and information management systems so as to enhance the management of peace-keeping operations, and calls for the situation room to be established permanently for all peace-keeping operations.

3. Logistics practices and support

86. The Special Committee welcomes the initiative of the Secretariat to establish a logistics doctrine and procedures project charged with developing a compendium of United Nations logistics doctrine and procedures in order to

standardize logistics practices and procedures and thereby enhance the efficiency and effectiveness of logistics support to peace-keeping operations.

87. The Special Committee requests the Secretary-General to consider in the ongoing restructuring of the Secretariat ensuring the inclusion of a logistics planning capability in the Department of Peace-keeping Operations to consider all aspects of support required for peace-keeping operations.

4. Status-of-forces agreements

88. The Special Committee stresses that the conclusion of a status-of-forces agreement between the United Nations and a host State is of the utmost importance when deploying peace-keeping operations and calls upon host States to give their fullest cooperation in that regard. After the establishment of a peace-keeping operation by the Security Council, the concerned Member States should fully cooperate with the operation in the implementation of its mandate.

89. The Special Committee requests the Secretary-General to include in the status-of-forces agreement between the United Nations and host States the requirement for host States to treat the United Nations Forces at all times with full respect for the principles and relevant articles of the Charter.

5. Agreements between the United Nations and troop contributors

90. The Special Committee, noting the importance of concluding arrangements between the United Nations and troop contributors before deployment occurs, urges implementation of the agreements along the lines of the model agreement in the report of the Secretary-General of 23 May 1991 (A/46/185 and Corr.1).

91. The Special Committee requests the Secretary-General to include in the agreements to be concluded with States providing contingents a clause by which those States would ensure that the members of their contingents serving with the United Nations peace-keeping operations personnel are fully acquainted with the principles and rules of relevant international law, in particular international humanitarian law.

6. Rules of engagement

92. The Special Committee stresses the importance of the institution of appropriate rules of engagement for those operations with mandates or elements of their mandates under Chapter VII, on a case-by-case basis.

7. Evaluation of operations

93. The Special Committee, noting the recent increase of the number of peace-keeping operations, requests the Secretary-General to prepare a detailed report on operations that have significant difficulties in implementing their mandates by highlighting the root causes of such difficulties and suggesting possible measures to address them.

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94. The Special Committee requests the Secretary-General, once again, to report periodically to Member States on the performance of all peace-keeping operations.

8. Advisory and consultative mechanisms for troop contributors and other Member States

95. The Special Committee, welcoming the increasingly frequent informal consultations between the Secretariat and contributing States more directly interested, strongly recommends the continuation of such consultations on peace-keeping operations from their initial stages to their conclusion. The presence of the President of the Security Council and other members of the Council, as appropriate, is strongly encouraged.

9. Training

96. The Special Committee welcomes the establishment of a focal point for peace-keeping training in the Department of Peace-keeping Operations.

97. The Special Committee requests the Secretary-General to review and improve arrangements for training peace-keeping personnel - civilian, police and military - using the appropriate capabilities of Member States, regional organizations and arrangements, non-governmental organizations and the Secretariat.

98. The Special Committee, acknowledging the increasing challenge of forging large and cohesive peace-keeping missions from many and diverse contingents, stresses the need for the effective training of civilian, police and military personnel before deployment and, in that regard, urges the Secretary-General to develop performance goals for individuals and units.

99. The Special Committee requests the Secretary-General to develop and publish peace-keeping training guidelines, manuals and other relevant training material in order to assist Member States in preparing their civilian, police and military personnel for peace-keeping operations in a standardized and cost-effective manner.

100. The Special Committee on Peace-keeping Operations requests the Secretary-General to arrange, within existing resources and using the capabilities of organizational components of the United Nations system, for peace-keeping training that is standardized and cost-effective and utilizes the best available resources and methods, including correspondence instruction. An essential element would be a capacity to train peace-keepers from every Member State as required, using standardized curricula for both general and specialized peace-keeping skills, including inter alia, demining, electoral monitoring and a code of conduct.

101. The Special Committee recommends the establishment of an annual training fellowship on peace-keeping to assist in the training of national trainers toward which the proceeds of the Nobel Peace Prize awarded to the United Nations peace-keepers in 1988 would be applied.

102. The Special Committee recommends that training for peace-keeping operations should, as appropriate, be included in the training of those military, civilian and police personnel being sent on peace-keeping operations and encourages Member States that have already developed such training to share information and experience with other Member States.

103. The Special Committee highly recommends that peace-keeping operations personnel be made generally aware of relevant local laws and customs of the host State.

104. The Special Committee encourages troop contributors to consider arrangements between themselves for the loan and/or exchange of peace-keeping operations experts to enhance operational effectiveness through sharing of information and experience gained in peace-keeping operations.

105. The Special Committee once again requests the Secretary-General to consider establishing a training programme for key staff personnel of peace-keeping operations with a view to creating a pool of trained personnel with knowledge of the United Nations system and its working procedures.

10. Public information

106. The Special Committee, recognizing that public information on peace-keeping operations, particularly an understanding of their mandates, is important, invites the Secretariat to adopt a proactive approach to information and media relations with respect to peace-keeping operations and to enhance communications strategies and systems in that regard.

107. The Special Committee requests the Secretariat immediately to make all necessary arrangements for the reissue of The Blue Helmets in 1995.

11. Memorial for United Nations peace-keepers

108. The Special Committee requests the Secretariat to take the appropriate steps to record in a dignified and yet simple manner in a public area of the United Nations Headquarters the names of those who have given their lives in the service of the Organization's peace-keeping operations.

C. ISSUES ARISING FROM AN AGENDA FOR PEACE

109. The Special Committee, noting General Assembly resolution 47/120 of 18 December 1992, welcomes the efforts of the Secretary-General to take appropriate steps through preventive diplomacy and, recognizing the need for those steps to be based on timely and accurate knowledge of relevant facts, urges the Secretary-General to strengthen the capability of the Secretariat to secure and analyse all relevant information from as wide a variety of sources as possible, and further urges Member States to assist the Secretary-General by provision of information on a confidential basis, when appropriate. The Special Committee also requests the Secretary-General to keep the Member States informed of such capabilities and mechanisms.

110. The Special Committee notes the establishment of a preventive deployment operation and suggests that the Security Council continue to consider, taking into account, inter alia the principles of the Charter of the United Nations, relevant General Assembly resolutions and the practices of the United Nations, preventive deployment of a United Nations presence or the establishment of demilitarized zones, with the objective of preventing conflicts and promoting efforts to achieve peaceful settlements of disputes. The Special Committee resolves to continue the consideration of the issue at its next session.

111. The Special Committee encourages, in accordance with Chapter VIII of the Charter, the involvement of Member States through regional organizations and arrangements, as appropriate, in peace-keeping operations in their respective areas of competence and mandates.

112. The Special Committee requests the Secretary-General, in accordance with Chapter VIII of the Charter, to consider ways to provide advice and assistance, in a variety of forms such as advisory services, seminars and conferences, to regional organizations and arrangements to enhance their capacity to employ confidence-building measures and undertake fact-finding, mediation, monitoring, peace-keeping missions and post-conflict peace-building, in their respective areas of competence and mandate.

D. STATUS AND SAFETY OF UNITED NATIONS PEACE-KEEPING PERSONNEL

1. Responsibility of Governments of host States and parties to conflicts

113. The Special Committee urges all Member States in whose territory United Nations peace-keeping operations are conducted to provide, in accordance with relevant articles of the Charter and other instruments, comprehensive support to all United Nations peace-keeping operations personnel in fulfilling their functions, as well as to take all necessary measures to ensure respect for and guarantee the safety and security of those personnel.

114. The Special Committee considers that the State in whose territory a United Nations peace-keeping operation is conducted should act promptly to deter and prosecute all those responsible for attacks and other acts of violence against all personnel of the United Nations peace-keeping operations.

115. The Special Committee notes the particular difficulties and dangers that can arise when United Nations peace-keeping operations are conducted in situations where no viable government authority exists to exercise jurisdiction in order to ensure the safety and security of United Nations personnel, or where the government authority is unwilling to discharge its responsibilities in that regard. In such an eventuality, the Special Committee agrees that measures appropriate to the particular circumstances should be considered by the Security Council, as appropriate, to ensure that persons responsible for attacks and other acts of violence against United Nations peace-keeping operations are held to account for their actions.

2. Information relevant to the safety
of United Nations peace-keepers

116. The Special Committee emphasizes the importance of all relevant information on conditions in the field of operations for the safety of United Nations peace-keepers and invites the Secretariat to adopt measures to secure and analyse such information from as wide a variety of sources as possible for immediate transmission to field missions.

117. The Special Committee considers that it is the responsibility of host countries to disseminate to their populations necessary information on the role of peace-keeping operations and the inviolability of the safety of peace-keepers, including the information the United Nations may make available for that purpose.

118. The Special Committee considers that host countries are required to provide all available information in a timely manner to the United Nations and the respective peace-keeping missions in the field on any potential dangers that might jeopardize the safety of the peace-keepers, and that that requirement should be clearly specified in the status-of-forces agreement.

3. Compensation for death, injury and illness

119. The Special Committee urges the Secretary-General to review the current arrangements of compensation for death, injury, disability or illness attributable to peace-keeping service with a view to developing more equitable and appropriate arrangements, and to ensure expeditious reimbursement.

4. Enhancement of safety and the role of the United Nations

120. The Special Committee recognizes that the conditions in the field require practical steps aimed at enhancing the necessary operational, political and legal environment to deal effectively with the problems of growing vulnerability of the personnel of United Nations operations deployed in the field.

121. The Special Committee requests the Secretary-General to take concrete steps to improve the physical security of all United Nations peace-keeping personnel deployed in the field, including all aspects related to material, organizational, operational and other aspects of safety.

122. The Special Committee welcomes the Security Council statement of 31 March 1993 (S/25493) in which the Council requested the Secretary-General to report as soon as possible on the existing arrangements for the protection of United Nations forces and personnel, and the adequacy thereof, taking into account, inter alia, relevant multilateral instruments and status-of-forces agreements concluded between the United Nations and host countries, as well as comments received from Member States, and to make such recommendations as the Secretary-General considers appropriate for enhancing the safety and security of United Nations forces and personnel. The Special Committee urges the Secretary-General to complete his report as soon as possible.

123. The Special Committee will consider, in the light of the report of the Secretary-General, what further steps might be taken to enhance the status and safety of United Nations personnel involved in peace-keeping operations, taking into account the need for concerted action by all relevant bodies of the United Nations in that regard. In that connection, the Special Committee will, as appropriate, give due consideration to:

(a) Promoting the elaboration of a declaration that would, inter alia, reaffirm the principles of international law and the obligations of Member States concerning the status and safety of United Nations personnel;

(b) Suggesting that the Security Council consider including in mandates for the deployment of United Nations personnel specific provisions recalling the obligations of Member States and the expectations of the United Nations concerning the status and safety of United Nations personnel;

(c) Making a recommendation that the General Assembly consider in what forum a coherent, legally binding international instrument to reinforce the existing arrangements regarding the status and safety of United Nations personnel might be developed.

124. At its 117th meeting, on 19 May, the Special Committee considered and adopted its report to the General Assembly at its forty-eighth session.

ANNEX I

Bureau Working Document No. 1/Rev.1

Covering note

At its 114th meeting, on 21 April 1993, the Special Committee on Peace-keeping Operations approved draft working document No. 1/Rev.1 prepared by the Bureau, based on submissions of Member States to the Secretary-General, in accordance with paragraph 60 of General Assembly resolution 47/71 of 14 December 1992, contained in document A/AC.121/40 and Add.1-2, and the opinions expressed during the organizational meeting of the Special Committee on 5 April 1993.

In preparing the present working paper, the Bureau has taken into account the views expressed by many delegations that the Working Group should avoid a lengthy debate and move expeditiously to consider the proposals and recommendations submitted by delegations. The Bureau has grouped the topics in four categories, in such a way as to allow flexibility in the consideration of the proposals and recommendations submitted by delegations.

LIST OF TOPICS

I. RESOURCES AND FINANCES

- (a) Stand-by personnel and stand-by forces.
- (b) Broader participation by Member States.
- (c) Material resources (critical equipment/interoperability).
- (d) Finances (reimbursements, use of the Peace-keeping Reserve Fund, delegation of authority).

II. ORGANIZATION AND EFFECTIVENESS

- (a) General conditions for the conduct of peace-keeping operations.
- (b) Headquarters staffing (planning, control and coordination).
- (c) Situation room.
- (d) Logistics practices and support.
- (e) Use of model agreements.
- (f) Evaluation of operations.
- (g) Advisory and consultative mechanisms for troop contributors and other Member States.
- (h) Training.
- (i) Public information (the proactive approach).

III. ISSUES ARISING FROM "AN AGENDA FOR PEACE"

- (a) Preventive diplomacy (including United Nations analytical capability) and peacemaking.
- (b) Peace-keeping recommendations.
- (c) Cooperation with regional organizations and arrangements.
- (d) Civilian components of peace-keeping operations.

IV. SAFETY AND SECURITY OF UNITED NATIONS PERSONNEL

- (a) Responsibility of Governments of host States and parties to conflicts.
- (b) Compensation for death, injury or illness.
- (c) Information relevant to United Nations troop security.
- (d) Possible further measures.

ANNEX II

Explanatory notes on the "Draft elements for an international convention on the status and safety of the personnel of the United Nations force and associated civilian personnel"

1. In its resolution 47/72, adopted by consensus on 14 December 1992, the General Assembly, inter alia, requested the Special Committee on Peace-keeping Operations to study other measures to ensure the safety of peace-keeping and other United Nations personnel and to report thereon to the Assembly. The need for adequate protection of the personnel participating in preventive diplomacy, peacemaking, peace-keeping, peace-building and humanitarian operations in accordance with the norms and principles of international law has been also stressed in General Assembly resolution 47/120 of 18 December 1992, on the Secretary-General's report "An Agenda for Peace".
2. The issue of the safety of personnel was the subject of intense consultations among the members of the United Nations Security Council, initiated by the delegation of New Zealand, which resulted in a statement by the President of the Council. In that statement the members of the Security Council recognized, inter alia, an indispensable role that could be played by the Special Committee on Peace-keeping Operations in working out concrete measures for ensuring the safety of United Nations peace-keeping and other personnel.
3. Indeed the truly alarming situation in the field requires practical steps aimed at creating the necessary political and legal environment for dealing effectively with the problem of growing vulnerability of United Nations personnel deployed in areas of conflict.
4. What is lacking, in our view, is a universal, legally binding international instrument, preferably a convention, that would bring together all existing norms of international law, in particular international humanitarian law, that may be applicable to the personnel of the United Nations force and associated civilian personnel, as well as provisions contained in the various status-of-forces agreements and other bilateral and multilateral arrangements concluded in that regard. Naturally, recent experience and practice may suggest certain new approaches to the issue and lead to the elaboration of new norms.
5. The enclosed "draft elements" for such a convention (see appendix) constitute not only an attempt to provoke a discussion on the issue, but also a practical contribution to the ongoing efforts aimed at halting the wave of criminal acts against United Nations peace-keeping and other personnel.
6. These proposals were designed as a follow-up to General Assembly resolution 47/72. Recently the concept of an international convention was reinforced by the in-depth deliberations in the Security Council that give us reason to believe that the idea would be favourably received in the Special Committee.
7. In that connection the delegation of Ukraine would like to stress its flexibility and readiness to work closely with all delegations in finding mutually acceptable approaches to the problem of enhancing the safety of United Nations peace-keeping and other personnel.

8. As far as our concrete suggestions contained in the draft elements are concerned, we hope that they can become the basis for further discussions that would eventually evolve into agreed formulations.

9. The delegation of Ukraine would appreciate any comments on the proposed idea of a convention and the suggested draft elements for it.

APPENDIX

Draft elements for an international convention on the status
and safety of the personnel of the United Nations force and
associated civilian personnel

Preamble

The States Parties,

Reiterating their earnest wish to see peace prevail among peoples,

Recalling that every State has the duty, in conformity with the relevant norms of international law, to refrain in its international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes and principles of the Charter of the United Nations,

Acknowledging the vital importance of the involvement of the personnel of the United Nations force and associated civilian personnel in preventive diplomacy, peacemaking, peace-keeping, peace-building and humanitarian operations,

Conscious of the existing arrangements for ensuring the safety of the personnel of the United Nations force and associated civilian personnel, as well as of the steps taken by the principal organs of the United Nations in this regard,

Convinced that deployment of the United Nations peace-keeping operations is an integral component of the United Nations peace efforts, which enhance the effectiveness of the United Nations in the maintenance of international peace and security,

Bearing in mind that increasing activities of the United Nations in the field of preventive diplomacy, peacemaking, peace-keeping, peace-building and humanitarian operations require provision of extensive human, financial and material resources for the Organization,

Appealing to all States in whose territory the personnel of the United Nations force and associated civilian personnel are deployed in connection with the mandate adopted by the United Nations Security Council, and to all parties concerned to provide comprehensive support aimed at facilitating the conduct of an operation and urging them to respect and guarantee safety of those personnel,

Stressing the need for adequate protection of the personnel participating in preventive diplomacy, peacemaking, peace-keeping, peace-building and humanitarian operations in accordance with the norms and principles of international law,

Have agreed on the following:

PART I
GENERAL PROVISIONS

Article 1

General principles and scope

1. The States Parties undertake to respect and to ensure respect for the present Convention in all circumstances.
2. In cases not covered by the present Convention or by other international agreements, the personnel of the United Nations force and associated civilian personnel remain under the protection of universally recognized principles of international law, in particular norms of international humanitarian law.
3. The present Convention shall apply in the cases of settlement of armed conflicts between two or among several States Parties, which threaten international peace and security, and in which the personnel of the United Nations force and associated civilian personnel are involved in accordance with the decision of the Security Council.
4. The present Convention shall also apply to non-international conflict within a State Party when such conflict risks to develop into an international one, or when representative authorities of a State Party have requested the United Nations Security Council to deploy in its territory the United Nations peace-keeping operation.
5. Unless it is explicitly stipulated otherwise, the provisions of the present Convention shall apply exclusively to the area where the United Nations peace-keeping operation is deployed.
6. If one of the parties to a conflict is not a State Party to the present Convention the States Parties shall nevertheless remain bound by its provisions in their relations.

Article 2

Definitions

For the purposes of the present Convention the term:

(1) "United Nations peace-keeping operation" shall mean the deployment of a United Nations presence in the area of conflict in accordance with the mandate approved by a resolution of the Security Council, aimed, inter alia, at prevention, maintaining or restoring international peace and security, exclusively in the common interest of the international community, disengaging the conflicting parties, creating conditions for peaceful settlement of a conflict, monitoring cease-fire and compliance with peace agreements, as well as for rendering humanitarian assistance to civilian population in the area of

deployment. The United Nations peace-keeping operation shall be conducted at the request or with the consent of the parties concerned;

(2) "Personnel of the United Nations force" shall mean a contingent of United Nations personnel, participating in the United Nations peace-keeping operation, including military personnel and/or military observers contributed by Member States at the request of the Secretary-General and with the approval of the Security Council for carrying out the mandate adopted by the Council for a specific operation, as well as civilian police personnel and civilian political officers, human rights monitors, electoral officials, refugee and humanitarian aid specialists and so on provided by Member States;

(3) "Associated civilian personnel" shall mean all personnel deployed or stationed in the area of a peace-keeping operation by a specialized agency or other organization or programme of the United Nations system to carry out activities in connection with the performance of a mandate approved by the Security Council, as well as all persons deployed or stationed in an area by any other humanitarian organization or agency to carry out activities pursuant to an arrangement with the United Nations relating to the performance of a mandate approved by a resolution of the Security Council.

Article 3

Identification

The United Nations shall take appropriate measures to make the personnel of the United Nations force and associated civilian personnel as well as buildings and equipment identifiable when they are exclusively destined for carrying out a mandate approved by the Security Council, namely:

(1) The United Nations flag shall be hoisted in the headquarters, camps or other premises and areas of stationing of the personnel of the United Nations force and associated civilian personnel in the country where the United Nations peace-keeping operation is conducted;

(2) Ground, water and air transportation vehicles of the personnel of the United Nations force and associated civilian personnel shall be marked by the distinctive United Nations emblem reported to the Government of the State in whose territory the United Nations peace-keeping operation is conducted;

(3) Personnel of the United Nations force and associated civilian personnel shall at all times carry the distinctive emblem on their uniform, which also shall be reported to the Government of the State in whose territory the United Nations peace-keeping operation is conducted. In cases when part of the territory is occupied, such information shall be reported to the administration exercising actual authority over that part of the territory;

(4) Military personnel and civilian police personnel when executing official duties shall wear national military or police uniform;

(5) Each State Party, as well as a party to a conflict, shall endeavour to adopt and implement methods and procedures that will make it possible to

/...

recognize the personnel of the United Nations force and associated civilian personnel and transports that use the distinctive emblem;

(6) In an area where fighting is taking place or is likely to take place the personnel of the United Nations force and associated civilian personnel should be recognized by the distinctive emblem and an identity card certifying their international status.

PART II

STATUS OF THE PERSONNEL OF THE UNITED NATIONS FORCE AND ASSOCIATED CIVILIAN PERSONNEL

Article 4

Respect for international character

The Government of a State Party in whose territory the United Nations peace-keeping operation is conducted or the administration exercising actual authority over the territory in question and/or the area of the operation shall respect the exclusive international character of the personnel of the United Nations force and associated civilian personnel.

Article 5

Privileges and immunities of the personnel of the United Nations force and associated civilian personnel

1. Personnel of the United Nations force and associated civilian personnel shall have the right of unimpeded entry and exit to and from a State in whose territory the United Nations peace-keeping operation is conducted. For the purposes of such entry or exit personnel of the United Nations force and associated civilian personnel require only an identity card issued by the special representative/force commander. An exception shall be made in the case of initial entry, when an identity card issued by the competent authorities of a State Party shall be accepted.

2. Existing national passport and visa regulations, as well as immigration formalities, shall not be applied. Neither shall any provisions governing the stay in the country of foreign nationals, including registration, be applied. Those personnel, however, shall not be considered as having the right of permanent residence in such country.

3. Personnel of the United Nations force and associated civilian personnel in fulfilling their duties shall be accorded the following privileges and immunities:

(1) Immunity from personal arrest or detention, as well as from any kind of legal process in respect of words spoken or written and all acts performed by them in their official capacity;

(2) Exemption from taxes on salaries and remunerations received from the United Nations or from their home Government, as well as exemption from all other direct taxes, except municipal ones for services rendered;

(3) Exemption from customs duties and charges for all private correspondence, money orders, printed materials and parcels sent or received by the personnel of the United Nations force and associated civilian personnel;

(4) Other privileges and immunities to be determined in the status-of-forces agreement on the basis of the provisions of article 5 of the Convention on the Privileges and Immunities of the United Nations of 1946.

Article 6

The right to carry arms

1. Military personnel and civilian police personnel have the right to have and carry arms and to use them in self-defence when fulfilling the functions mandated to them by the United Nations Security Council.

2. The type of arms and rules of engagement shall be determined by a specific provision in a mandate adopted for each United Nations peace-keeping operation by a resolution of the Security Council.

Article 7

Respect of laws and regulations of the host country

1. Without prejudice to their privileges and immunities and fulfilling of their duties, the personnel of the United Nations force and associated civilian personnel shall respect the laws and regulations of a State Party in whose territory the United Nations peace-keeping operation is conducted.

2. In the case of a committed crime by a member of the personnel of the United Nations force and associated civilian personnel the jurisdiction of the State of permanent citizenship shall apply.

PART III

OBLIGATIONS AND REPRESSION OF BREACHES OF THE CONVENTION

Article 8

Obligations of a State Party where a peace-keeping operation is conducted

1. A State Party in whose territory the United Nations peace-keeping operation is conducted undertakes to provide comprehensive support to the personnel of the United Nations force and associated civilian personnel in

fulfilling their functions, as well as to take all necessary measures to ensure respect and guarantee safety and security of those personnel.

2. The Government of a State Party in whose territory the United Nations peace-keeping operation is conducted shall guarantee criminal prosecution of persons initiating hostile acts against the personnel of the United Nations force and associated civilian personnel. That Government shall act promptly and efficiently to deter, prosecute and punish all those responsible for attacks and other acts of violence against such personnel.

3. In a situation where the Government of a State Party in whose territory the United Nations peace-keeping operation is conducted is unable to exercise jurisdiction in order to ensure the safety and security of such personnel, it will fully cooperate with other States Parties in order to act collectively to ensure that persons responsible for carrying out, authorizing or acquiescing in attacks and other acts of violence against the personnel of the United Nations force and associated civilian personnel are held responsible for international offence.

Article 9

Cooperation

In a situation of serious violations of the present Convention, the States Parties undertake to act, jointly or individually, in cooperation with the United Nations Security Council and in conformity with the Charter of the United Nations, including Chapter VII.

Article 10

Breaches of the Convention

Attacks and other acts of violence, whether actual or threatened, against the personnel of the United Nations force and associated civilian personnel, including kidnapping, obstruction or detention of persons, shall be considered a criminal offence and shall entail international responsibility in accordance with this Convention and relevant norms of international law.

Article 11

Responsibility

A party to a conflict shall be responsible for the breaches of the Convention committed by persons forming part of its armed forces, as well as by civilians under its control or jurisdiction.

Article 12

Right of self-defence of military personnel of the United Nations force

In the case of grave violations of the provisions of the present Convention by armed forces or armed groups of a party to a conflict, military personnel of the United Nations force shall have the right to act in self-defence in accordance with the rules of engagement adopted for each peace-keeping operation, which may be widened or specified on the basis of a special decision taken by the United Nations Security Council.

Article 13

Recall of the United Nations personnel

If cases stipulated in article 10 continue to occur, a State Party whose personnel is engaged in the United Nations peace-keeping operation shall have the right to recall that personnel as not adequately protected.

Article 14

Compensation

In the case of death, wound or other injury of a member of the personnel of the United Nations force or associated civilian personnel or damage of equipment and technical means of the United Nations peace-keeping force, the United Nations shall pay compensation to the beneficiary upon the request of a State whose national is killed or injured or whose property and equipment are damaged. The amount of compensation shall be determined by the United Nations on the basis of a unified approach.

PART IV

FINAL PROVISIONS

Article 15

Signature

This Convention shall be open for signature by all States.

Article 16

Ratification

This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations, depository of the present Convention.

Article 17

Accession

This Convention shall be open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 18

Entry into force

This Convention shall enter into force ___ days after ___ instruments of ratification or accession have been deposited with the Secretary-General of the United Nations.

Article 19

Denunciation

A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.

Article 20

Authentic texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.



General Assembly

Distr.
GENERAL

A/48/174
20 May 1993

ORIGINAL: ENGLISH

Forty-eighth session
Item 115 (b) of the preliminary list*

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS,
INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING
THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS

Letter dated 18 May 1993 from the Permanent Representative
of the Sudan to the United Nations addressed to the
Secretary-General

Upon instructions from my Government, I enclose herewith the statement of His Excellency Lt. General Omar Hassan Ahmad Al-Bashir, Chairman of the Revolution Command Council for National Salvation, before the Conference on Religions, held at Khartoum, the Sudan, on 26 April 1993 (see annex).

I would be grateful if the text of the present letter and its annex could be circulated as an official document of the General Assembly under item 115 (b) of the preliminary list.

(Signed) Ahmed SULIMAN
Permanent Representative

* A/48/50.

ANNEX

IN THE NAME OF GOD
THE MERCIFUL AND THE COMPASSIONATE

خطاب السيد الرئيس أمام مؤتمر حوار الأديان

Address of: H.E. Lt . Gen . Omar Hassan Ahmad Al-Bashir ,
Chairman , Revolution Command Council for National
Salvation

Friendship Hall , Khartoum
April 26,1993

*Distinguished Delegates ,
Honourable Guests,
Greetings to you all .*

This great gathering today can be described as a meeting of the faithfuls and believers in one God, the Almighty . It is a meeting of those who believe in the unity of mankind, a meeting of those who aspire for God's salvation , a meeting of those who are longing to raise high religious values in this world for the benefit of mankind, namely eternal happiness and redemption from the woes of this world .

The Sudanese people are very honoured by your presence here with us today; going through the list of the participants of this gathering one finds great religious leaders , highly placed thinkers and academics derived from various parts of the world .

Your presence here in this religious conference is welcome .
Your great contribution towards its success is also much appreciated .

Needless to say that this meeting is aimed at the promotion of tolerance , unity and co-existence among God's people , irrespective of differences of faith , race or colour . We intend in this conference to achieve mutual respect through meaningful dialogue .

For God has said: "O Mankind we created you from a single pair of male and a female and made you into nations and tribes that you may know each other (not that you , may despise each other) Verily the most honoured of you in the sight of God is the most righteous of you ."

(ALHUJURAT V . 13)

*Distinguished delegates
honourable guests*

I would like to draw your attention to the fact that the world of the day seems to drift away from its original concepts and ideals . I say this because it appears that the world of today has adopted materialism as its top priority and has shunned away from religious values . As a result most of man's desires and actions are being governed by materialistic values : thus neglecting religion from man's everyday life . On the other hand material benefits seem to override religious values . This , unfortunately , has led to the break down of man's moral behaviour and has resulted in the appearance of strange phenomena such as racism and chauvinism, which had expressed themselves in the past in various forms such as Nazism and Fascism which sprung up in the early part of this century .The results of these phenomena are all known to us.

As a consequence of man's losing sight of religious values to material ones, phenomena like racial violence and destruction to life and property have become dominant features of the present day.

/...

It was hoped that advancement of modern technology would necessarily lead to ultimate happiness and prosperity of mankind. But unfortunately, the question that readily comes to mind today is whether the development of modern technology has in any way satisfied the expectations of man kind. The answer to that question appears to be in the negative.

In spite of improving man's living conditions, through enhancement of technology, the world has continued to face lots of insurmountable problems: death continues to take away millions of lives not through disease as was the case in the past, but from the effects of man's made disasters either through the use of the most sophisticated weapons or through environmental degradation due to increased industrialization. Modern technology was used for the destruction of lives and property during the first and the second world wars! How much destruction would modern technology cause if a third world war was to erupt?

Another thing worth noting here is that for years it had been expected that economic development could have improved the living conditions of mankind.

This could have been done through further development of better economic and administrative systems. It was also thought that injustice and imbalance in economic development could have disappeared as a result of administering justice to all. But where is the balanced economic development in the present world? How wide is the economic gap that now exists between the rich and the poor? How much does poverty and misery increase every day in the present world? Where is the economic cooperation needed in international economic relations?

Alas! the rich are getting richer every day at the expense of the poor. It must also be borne in mind that the poor are made to live in endless debts leading to more poverty and misery as a result of that imbalanced relationship. It was expected too that international relations would have reduced injustice in favour of the poor. The reality is that the present world has shown that the existing international institutions are nothing but mere tools used by the more powerful states to enable them achieve their own interests at the disadvantage of the weaker ones.

Another thing which should be noted here is the development of mankind from a simple stage to a more complex stage characterised by different ways

and intensity of activities. The development in means of transport and communication has added to this complexity. It brought people all over the world closer to one another. This development has created a new system of relations between individuals, societies and nations. It was therefore expected that a new meaningful and self-imposing value system should have been established to suit this complex stage of development.

Instead, the Modern World Seems to create its own values at random without being guided by religion and its values.

The world of to day is, therefore, lacking religious values. And this, in essence, is the real challenge that faces us today, we the believers.

We have the duty, at this juncture , to save humanity from going astray.

This in turn is to be achieved in our opinion, through serious and meaningful dialogue between members of different religions and faiths, this is the purpose, distinguished delegates and honourable guests, for which we are gathered here to-day in this Hall.

We have started to establish in the Sudan a mode of sustainable development based on religion and its tenets. We believe that religion by itself is a positive motivator for all human activities, as a result we have made religious values guide the individual's as well as the state activities in our country. This is aimed at creating a basis of good citizenship and humane community in order to lead a modern nation. We are doing this by creating a life based on truth, virtue, ridding it from hypocrisy and corruption. so as to change the society, promote economic prosperity, achieve justice and attain political stability.

I am glad to convey to you that we have achieved much in this regard. I hope during your short stay here with us, you will be able to see things for yourselves. In response to the above-stated facts, we have already made some legislation that govern our relations with other countries. With that, we hope to establish a new model for International co-operation.

Despite the fact that we have taken Islam as a base to guide our national life because the majority of Sudanese are Muslims, however, it is by no means our intention to impose Islam on non-muslims, as it is falsey featured in some circles. Quite the contrary, we take Islam itself as a moral and legislative guarantee against that.

At any rate, we would like to emphasise here again that Islamic legislation is an integral and comprehensive system, not consisting only of

Islamic punishments, but it is a code of justice which exempts non-Muslims from punishments arising from crimes not considered as an offense in their respective personal laws, for example: Possession or drinking of alcohol and exemptions from other religious obligations prescribed by Islam on Muslims, such as payment of "Zakat". In this context, Islam can never be an instrument to oppress other religions. Conversely, Islam reminds all the faithful of the unity of the Abrahamic religions, and exhorts them to adhere to the teachings of their faiths.

Say : " O people of the Book ! come to common terms as between us
and you : that we worship None but God ; associate No partners
with him , that we erect not from among ourselves
Lords and patrons than God "

(AL IMRAN V.64)

" It was we who revealed the law (to Moses) : Therein was
guidance and light .By its standard have been judged the Jews by
the prophets who bowed (As in Islam) To God's will ,by the
Rabbis and the doctors of law ,for them was entrusted the
protection of God's BOOK; and they were witnesses thereto :
Therefore fear not men and fear Me and sell not my signs for A
miserable price . If any do fail to judge by (the light of) what
God hath Revealed , they are (no better than Unbelievers. "

(ALMAIDA V. 47)

" Let the people of the Gospel judge by what God hath Revealed
therein. If any do fail to judge by (the light of) What God hath
revealed they are (No better than) those who rebel."

(AL MAIDA V. 50)

At this juncture, distinguished delegates and honourable guests, I am glad to say that your meeting coincides today with the beginning of the peace talks between the delegation of the Government of the Sudan and the delegation of the rebel SPLA movement, in the Nigerian Capital Abuja. These peace talks are aimed at halting the armed conflict in the Southern part of the country, an armed conflict inherited from the colonial rule. It is a result of almost six decades of colonial rule in this country. This problem, to our mind is a living example of a policy void of religion. We have sought and still are seeking all possible means and ways to arrive at a peaceful, negotiated and just settlement of this problem which we consider in the first place, a political problem. In this regard, we shall continue to exert all efforts necessary to resolve the problem peacefully. We avail ourselves of this opportunity to express our thanks and appreciation to all those who have assisted and continue to assist our Government to bring about a peaceful, just and lasting solution to the conflict; we also pray God the almighty to bless our efforts in this respect.

To conclude, we hope that Almighty God will guide and bless your deliberations throughout the conference, so that it comes out with meaningful, constructive resolutions aimed at the unity of the faithfuls, and their role in contemporary life. To suggest guidelines and means of their implementations. We hope also that the conference will adopt a Code of moral conduct that prescribes tolerance and respect among the believers of different faiths, prohibits doing injustice in religious practices and allowing freedom of worship and preaching. We hope that a brotherly atmosphere and a spirit of love and responsibility will prevail throughout the deliberations, hoping to contribute to the realization of humane society free from tension and hatred that was brought about by all the previous acts of conflict and dissention.

Wishing you a good stay in our country, assuring
All of you that you are among your friends and brothers.

Peace of God be upon you all.



General Assembly Security Council

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A/48/175
S/25819
21 May 1993

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-eighth session
Items 117 and 121 of the
preliminary list*
INFORMATION FROM NON-SELF-GOVERNING
TERRITORIES TRANSMITTED UNDER
ARTICLE 73 e OF THE CHARTER OF THE
UNITED NATIONS
QUESTION OF EAST TIMOR

SECURITY COUNCIL
Forty-eighth year

Note verbale dated 21 May 1993 from the Permanent Mission
of Portugal to the United Nations addressed to the
Secretary-General

The Permanent Representative of Portugal to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to transmit herewith the text of a communiqué by the Ministry of Foreign Affairs of Portugal on the sentence pronounced against Xanana Gusmão on 21 May 1993 (see annex).

The Permanent Representative of Portugal to the United Nations has the honour to request that the present letter and its annex be circulated as an official document of the General Assembly, under items 117 and 121 of the preliminary list, and of the Security Council.

* A/48/50.

ANNEX

Communiqué issued on 21 May 1993 by the Ministry of Foreign Affairs
of Portugal on the sentence pronounced against Xanana Gusmão

1. The Indonesian authorities have just sentenced Xanana Gusmão, the leader of the East Timorese resistance to the Indonesian occupation of East Timor, to life imprisonment, according to a sentence that was read today in the Dili court where he had been on trial since the 1st of February last.
2. This iniquitous decision has culminated a process that since the very beginning, as was promptly denounced by the Portuguese Government, was fraught with the gravest irregularities and outrages carried out against a whole background of illegitimacy and violence.
3. Xanana Gusmão was submitted to a political trial, to a farce staged by an illegitimate power, that illegally occupied a non-self-governing territory while its decolonization was under way, disrespecting the most elementary principles of the United Nations Charter and of International Law, and refusing until now to abide to the resolutions on East Timor adopted by the General Assembly and the Security Council. The violence that has been committed against the population, the systematic abuse of human rights, the prepotent and arbitrary use of force, indicated that nothing could be expected from the justice that the Dili Court was going to hand down on Xanana Gusmão, once he had been captured by the Indonesian military forces.
4. As the Portuguese Government had the opportunity to point out at the beginning of the trial, Indonesia lacks any political, moral or legal authority to trial whoever will try to put a stop to the illegal situation prevailing in the territory and to reestablish the essential rights of the East Timorese and to enforce the rules and principles universally recognized by the international community. The Jakarta Government should be the one to be tried for what it has done in East Timor.
5. The procedures that took place in the Dili Court added to the arbitrariness already denounced since his imprisonment with another series of scandalous prepotences. They included denying to the defendant the right to read his defence before the court (in violation of Indonesia's own

law); the coercion inflicted upon the witnesses (one of them, Saturnino da Costa Belo, who refused to collaborate, was immediatly declared insane, and subsequently beaten and subjected to ill treatment in prison); threats made against the defendant (of which several of his relatives were in prison); the opposition to further visits to be made by the International Red Cross, etc.

In addition, the assurances given by the Indonesian authorities that free access to the trial would be granted to diplomats, journalists and international observers were not fulfilled. They went as far as to deny the representative of the United Nations the possibility to attend two sessions of the trial, as well as to diplomats of various countries. Prevention to enter the court room and supression of sound were used to eliminate any possibility of the defendant to be heard when he was striving to read his defence.

6. The Indonesian authorities tried to use as a political weapon the initial statements made by Xanana Gusmão when he was under unacceptable physical and moral coercion. They had expected to discredit and totally submit him. When they understood that this was not so, and that the defendant had prepared his political defence and that he was ready to read it in court, they irresponsibly accused the personal envoy of the Secretary General of the United Nations, Mr. Amos Waco, Attorney General of Kenya, of inducing him to do so.

7. The Dili trial ended up by backfiring on the occupation authorities. The deposition that Xanana Gusmão courageously tried to read before the court and that is now known to the public denounces the illegalities that characterized the whole process as well as all the manipulation that was used to obtain his submission as a means of seeking to consolidate the illegal occupation of East Timor by Indonesia.

8. The inhumane sentence that has now been announced is another form of violence carried out against the East Timorese people, revealing the occupant's exasperation and the disregard that it shows towards the international criticism of its actions, as revealed by the recent resolution approved by the United Nations Human Rights Commission.

On denouncing it, Portugal underlines the strong contradiction that exists between this behaviour and the wish proclaimed by Indonesia to achieve through dialogue, a just, comprehensive and internationally acceptable settlement to this problem.

A/48/175

S/25819

English

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The sentence of Xanana Gusmão is another serious warning given to the international community on the necessity to urgently achieve such a settlement, that will have to be based on respect for international legality, for the rights of the people and of the individuals, in particular for the right to self determination, without which it will be impossible to solve the question of East Timor as it has been demonstrated once again.



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GENERAL ASSEMBLY
Forty-eighth session
Item 115 (c) of the preliminary list*
HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS
SITUATIONS AND REPORTS OF SPECIAL
RAPPORTEURS AND REPRESENTATIVES

SECURITY COUNCIL
Forty-eighth year

Letter dated 24 May 1993 from the Charge d'affaires a.i.
of the Permanent Mission of Yugoslavia to the United
Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a memorandum on the violation of human rights in the Serb community of Gorski Kotar in the Republic of Croatia, deposited with the State Commission for War Crimes (see annex).**

I should be grateful if you would have the present letter and its annex circulated as an official document of the General Assembly, under item 115 (c) of the preliminary list, and of the Security Council.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

* A/48/50.

** The annex is being circulated in the original language of submission only.

YUGOSLAV STATE COMMISSION -1-
ON WAR CRIMES AND GENOCIDE

ANNEX
MEMORANDUM

ON THE VIOLATION OF HUMAN RIGHTS IN THE SERB COMMUNITY OF
GORSKI KOTAR IN THE REPUBLIC OF CROATIA

We recall the facts presented in the Memorandum of March 12, 1991, namely that in the mountainous part of Gorski Kotar stretching from Mount Velika Kapela to the Kupa River, west of the Ogulin-Brinje-Senje line, there are 6000 Serbs in 175 settlements. The Serbs settled in these parts in the 16th century and this was the westernmost part of the military border (Krajina) between the Ottoman and the Austro-Hungarian Empires. In spite of being surrounded by Croat inhabitants, the Serb community has preserved its national identity to this day.

The cultural and religious centre of this region is Gomirje with its orthodox monastery built in 1602 known for its icons from the school of Simeon Baltić from the 17th century. This temple includes among its treasures the first Orthodox Bible printed in the Monastery of Saint Basil in Ostrog in the 15th century. The entire land of this region was purchased from the Austrian crown in 1525. The document on autonomy known as the Charter of Leopold I is kept in the Vienna Archives.

The security of the Serb population in Croatia at the time of the outbreak of hostilities, on Easter day, May 2, 1991, was based on the presence of a garrison of the Yugoslav People's Army in what was then the Socialist Republic of Croatia (zone under the control of the Rijeka Corps). However, when the Rijeka Corps was evacuated within the framework of the redeployment of the JNA to other parts of the then Yugoslavia, the status of the Serb population of Gorski Kotar was reduced to that of a minority without any protection in the Republic of Croatia.

The Serbs of Gorski Kotar living in the immediate vicinity of the war-afflicted regions did not participate in the conflicts despite the constant pressure and threat of reprisals of Croatian authorities and the encirclement of armed forces stationed in Ogulin, Otočac, Vrbovsko and Delnice (communal centres of this region). Devoted to peace and democracy, the Serbs initiated talks with the local Croatian authorities and early in August 1991 reached an oral agreement on the preservation of the status quo until a global political settlement for the former Yugoslavia is found. On the basis of that agreement, the Croatian authorities pledged not to set up new police outposts in this region, not to deploy Croatian armed forces there, and not to mobilize the Serbs of Gorski Kotar to the Croatian Army. In fact, the institutions of the Croatian state in Gorski Kotar have not been functioning to this day, except in Jasenka where 1000 Croatian refugees have been accommodated since August 1992. The Serbs of this region, at the cost of immense difficulties managed

to organize the supply of food for the population for a whole year (from end 1991 to end 1992). Out of fear of persecution children have not been going to school.

However, contrary to the oral agreement reached, the Croatian local authorities on September 24, 1991 rased to the ground five villages in the south-eastern border region between Gorski Kotar and the Serbian Krajina. No traces of life remain where the Serbs used to live. In the villages of Brlog, Staro Selo, Tupljaci, Rapajin Do/Rapajin Klanac, and Drenov Klanac, cemeteries have been ploughed over, churches and other edifices destroyed, not even the foundations of houses and the orchards were allowed to remain. About 2000 Serbs fled from their burnt villages to neighbouring Krajina. Those who stayed behind were killed and thrown into pits and covered with manure in the manner of barbarians.

From November 19-21, 1991, some 100 people from a number of villages were apprehended and taken to the police station in Ogulin, beaten and interrogated about alleged preparations for rebellion. Ten of them were killed, while the other ninety are missing.

A campaign of destruction of fifty Serb houses in Ogulin started three months ago, was completed in December 1991. At about the same time 39 Serb families from Donje Dubrave and 14 from Gornje Dubrave fled for their life to Serbian Krajina. The end of 1991 and the beginning of 1992 saw a renewal of a campaign of mistreatment, intimidation, reprisals, restriction of the freedom of movement, dismissals, etc., of Serbs all this in the aim of making the life of Serbs insufferable.

In January 1992, the Croatian authorities orally threatened the Serbs saying they would mobilize all men between 16 and 60 years of age for the Croatian Military Forces. This was a false alarm which was not carried out probably because of the belief that the Serbs were armed. However, after the signing of the 15th cease-fire under the auspices of the UN, on January 3, 1992, and with the initiation of the UN peace operation in the former Yugoslavia (the Vance Peace Plan) as well as the international recognition of the Republic of Croatia, the position of the Serb population in Gorski Kotar deteriorated rapidly. The Serbs found that they were surrounded by military formations and in a complete economic, transport and information blockade. Gorski Kotar - a region where there were no conflicts - remained outside the mandate of the UN and was left to the mercy of the local Croatian authorities stationed in Ogulin and Vrbovsko. The local commanders of the Croatian forces set an ultimatum demanding that the Serbs hand in their weapons and report for service in the Croatian Army by March 20, 1992. It was then that the attention of the international community was drawn to the difficulties and the persecution of the Serbs.

II

The Croatian authorities, even after the dispatch of the Memorandum on the Dramatic Situation of the Serb Population in the Region of Gorski Kotar, and the appeal to the UNO and other international organizations for assistance, continued to violate the human rights and freedoms of the Serb people of this region. Testifying to this is the following:

On April 1, 1992 a field officer of the International Committee of the Red Cross, together with the representatives of the Red Cross of Croatia, Mr. Bosanac and of the communal authorities of Ogulin insisted with representatives of the Serb local communities that displaced persons of Croatian nationality be accommodated in the Gorski Kotar region. The Serbs rejected this proposal invoking UN SC resolution 752 under which attempts at changing the ethnic structure are prohibited. However, the Serbian people of this region had already taken in 2,000 urban Serbs from Zagreb, Karlovac and Rijeka, who had been fired from work just for being Serbs. They had never been registered as refugees. The Serbs also expressed readiness to, instead of Croats, take in more Serb refugees from Croatia.

On April 3, 1992, Milan Brezak, Assistant Minister of the Interior of Croatia, held a meeting with representatives of the local communities, demanding from the Serbs to pledge allegiance to the Republic of Croatia. This was not accepted because it was common knowledge that whenever Serbs in Croatia pledged such allegiance that marked the opening of the hunting season against them.

On April 15, 1992 three villagers were arrested in the Gornji Brinjski region and were subjected to pressures so as to betray their neighbours who ostensibly possessed arms.

On April 25, 1992 a group consisting of thirty members of the Croatian Defense Forces (HOS) and about 200 members of the Croatian Guard mined and blew up a monument in Gornje Dubrave erected in honour of veterans fallen in the II World War.

On May 2, 1992 another such monument was demolished in Ogulin.

On May 4, 1992 a field officer of the International Committee of the Red Cross (ICRC), on the basis of an appeal by the representatives of Serbs from Gorski Kotar in Belgrade visited this area. A report on this has not been received despite numerous reminders. Contacts with the Belgrade Office of the International Committee of the Red Cross have been discontinued.

On May 5, 1992 Serb representatives in Jasenak were given an ultimatum from Ogulin to accept Croatian refugees by May 15, 1992. In this context a protest was lodged with the UNHCR Office in Belgrade on the basis of UN SC resolution 752.

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On May 21, 1992, the Minister for Refugees of Croatia arrived in Jasenak and stated that the refugees would move into the recreation center there by May 26, 1992.

On May 26, 1992 Mr. Josip Boljkovac, Minister in the Government of the Republic of Croatia and Commander of Croatian Forces for Istria and Gorski Kotar came to Drežnica and asked for a list of Serb men capable of military service aged from 16 to 60. After complaints lodged with the civilian department of UNPROFOR call-ups were suspended.

On May 28, 1992 representatives of the Vrbovsko and Ogulin authorities demanded that all inscriptions in the Cyrillic script be replaced by ones in Latin script. The Serbian population adamantly refused.

On May 28/29, 1992 a bus carrying displaced persons arrived in Jasenak with 30 refugees and 5 policemen on it. This was in fact an attempt at discrediting the Serbian community as a TV crew from Zagreb was on the spot awaiting their arrival to film what they expected to turn into an incident. However, the Serbs took them in and provided them with accommodation, but these displaced persons dispersed every which way soon thereafter.

On May 30, 1992 the Serbs in Gomirje and Moravice burned Croatian flags hoisted on railway stations because the showing of the Serbian national flag is not permitted.

On June 8, 1992 the male population of Brestovac and Vitunja was called up for military service. These calls were suspended also thanks to informal talks with UNPROFOR representatives.

On June 26, 1992 call-ups for military service were again sent to all villages; this time it was the representative of EC military observers who intervened to prevent the verbal agreement on the preservation of the status quo from 1991 from being breached.

On July 6, 1992 at Vrbovsko an agreement was signed on the surrender of arms by Serbs. It was signed by representatives of Serbs from Gorski Kotar and the Croatian Police Station in Karlovac in the presence of representatives of the UNHCR and of the EC/ Zagreb. The Serbs handed over their arms by July 15, 1992, whereas 20,000 Croatian troops remained along the edges of the Gorski Kotar enclave. The Croatian side undertook to set up a police station manned by Serbs from this region. The UNHCR and the EC military observers did not undertake to monitor this agreement. Only a month later, after numerous interventions by representatives of Serbs from Gorski Kotar in Belgrade, European Community and UNHCR representatives started policing the area, failing, however, to establish contact with the Serbs living there, despite written and verbal protests lodged.

On July 15, 1992 the names of two Serb villages - Gornje Dubrave and Donje Dubrave were changed to Gornji Tounj and Donji Tounj respectively, (a Croatian settlement) by changing inscriptions on the railway stations and village entrances, and using Latin instead of Cyrillic script. In these two villages there are 500 and 300 elderly Serbs, respectively. However, in November 1991 14 families from the first village and 39 from the second one had moved to Slunj in the Serbia Krajina.

On August 2, 1992 parliamentary and presidential elections were held in Croatia at which about 47% of the inhabitants of Gorski Kotar also turned out. International observers from the "Helsinki Watch" had also been invited, but failed to show up, probably due to short notice. Serbs had no candidates for the Croatian Assembly and also refused a subsequent invitation to nominate them. According to articles published in the Zagreb press at the time, there were only 3,500 Serbs in Gorski Kotar rather than over 6,000.

On August 5, 1992, about 1,000 refugees of Croatian nationality (100 adults and 900 children) from the Slavonski Brod area were brought to the winter sports center in Jasenak under the aegis of the UNHCR Zagreb.

During the month of August the villages Škalići and Vodoteč (the Gornji Brinjski Region) were completely evacuated (a total of around 200 Serbs), after repeated provocations by members of the police and of the HOS from Brinje.

On August 27, 1992, on behalf of the Serbs from Gorski Kotar, a protest was lodged with the Regional EC Center in Belgrade addressed to their Zagreb Office, because EC observers and UNHCR representatives only passed through this area in cars accompanied by Croatian officials, and never established contact with the Serbs nor inquired about their difficulties. It was pointed out in this connection that the police station set up in Jasenak, contrary to the provisions of the Vrbovsko Agreement, had two Serbian and 15 Croatian policemen, while Jasenak is a purely Serbian village, if 1,000 Croatian refugees there are not taken into account.

On August 29, 1992 in contravention of the promise that no Serbs would be mobilized pending the final resolution of the status of the Gorski Kotar Serbs in the Gorski Kotar enclave, 5 men from Drežnice were called up for service.

In August 1992, the competent authorities did not issue the permits required for the export of sawn-wood, which only confirms the intention which existed of suppressing economic activities of the Serbs who do not wish to leave the place of their birth.

On September 1, 1992 after a one-year pause, children from this region began attending school again, in which according to the Croatian curriculum they were to learn only the /...

Latin characters instead of a combination of both the Latin and Cyrillic scripts, and history in which the Serbs are called all sorts of insulting names. The Serbian pupils in elementary schools are taught that they are "small Croats" (as written in the Croatian primer for the first grade).

On September 5, 1992 the signs at the railway stations in Gomirje and Srpske Moravice, which were written in the Cyrillic script were changed into Latin, while Srpske Moravice have been renamed into Moravice (without the Srpske).

The presidents of the Serbian local communities in this enclave signed a statement to the effect that they do not recognize as their representatives "Tudjman's private Serbs" from the Community of Serbs in Croatia who are taking part in the Group for Minorities of the Geneva Conference on Yugoslavia and who have announced their intention of establishing a Croatian Orthodox church in Zagreb. The designated members of the Community of Serbs in Croatia include Milan Djukić, the appointed Vice-President of the Croatian Assembly and Milorad Pupovac from the Serbian Forum, as well as Boro Aksentijević from the Community of Serbs in Croatia from Rijeka. This statement was sent to the President of Croatia Tudjman, UNPROFOR, the EEC, and the UNCHR Office in Zagreb.

Around October 20, 1992 the Draft Law on the Territorial Organization of Croatia was issued. It is proposed in the draft Law that the Serbian enclave in Gorski Kotar be included in the Riječka Županija and that the Serbian local communities be divided into 5 Croatian communes: to annex Drežnice to the commune of Josip Dol; Jasenak - to the commune of Ogulin; Gomirje and Srpske Moravice - to the commune of Vrbovsko; Ponikve and Dubrave - to the commune to Tounj, meaning that in all of these 5 communes the Serbian population would be in the minority. This is a continuation of the old tested practice of breaking up the Serbian national substance, since as things now stand Drežnica, Jasenak and Dubrave are in the commune of Ogulin, where Serbs make up 55% of the total population, while Gomirje and Srpske Moravice are in the commune of Vrbovsko, where Serbs make up 65% of the population.

There are no international observers in the Serbian enclave in Gorski Kotar, since there were no conflicts in that region. The UN High Commissioner for Refugees has representatives only in Jasenak, where there is a police department as well and the members of which, contrary to the Agreement, are primarily of Croatian nationality, ruling out any possibility of complaint. If anyone from among the Serbs complains, he is as a rule arrested at once, maltreated and fired.

Not one Serb from this enclave has a job in state-owned firms (Moravice - Railway workshop for the repair of railroad cars and the Factory of insulation material). The Serbs receive old-age pensions but not military service or disability pensions.

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The inhabitants of the enclave suspect that when a Serb is hospitalized in the Ogulin Hospital he does not come back alive, primarily due to the fact that this autumn out of twenty patients that were in the hospital no one came back, making them avoid hospital treatment.

In the course of October 300 Croats settled in Jasenak after a group of about 1,000 Croatian children had previously left the village.

At around 1 November 1992, sixteen year old boys (about twenty of them) from the villages of Jasenak, Srpske Moravice, Gomirje and Drežnica received pre-draft calls with a one-month deadline to report and to which only two boys responded.

The Vice-President of the Croatian Assembly, Milan Djukić, known in the Croatian press as "Tudjman's private Serb", made rounds of the Serbian villages in Gorski Kotar once a week in October and November, soliciting for loyalty by promising credits to people in private business in restaurants and private homes if they join the party of the Community of Serbs from Istria, Rijeka, Hrvatsko primorje and Gorski Kotar, bribing and trying to find two Serbian deputies for the Croatian Assembly. On that occasion he did not mention the special status guaranteed to minorities by the Croatian Constitution. To date no one has responded to his request.

In the beginning of November 1992, Milan Djukić opened a school in Ponikva for seven pupils of Serbian nationality, where they were to have supplementary tuition in Serbian, i.e., two classes per week: one in the Serbian language and the other in history. When opening the school he stated that the Croatiaon authorities observed the national rights of minorities along European democratic principles. The school was opened in the old school building which has been deserted for the last twenty years, since children attended the school in Ogulin. In Ponikva there are about 70 mostly older people, since all the younger ones were forced to move out.

The visit of the delegation of the European Parliament to the elementary school in Vrbovsko, at the beginning of November 1992 was covered by a BBC television team. The Serbian children from Gomirje, attending that school had to state under pressure that they were Croats. Later one thirteen-year old girl attempted suicide because on her way home some of her friends teased her for having given such a statement.

Sometime between December 15-22, 1992 reinforcements in personnel and heavy tanks were sent into Ogulin, one of the three communal centres in the Serbian enclave in Gorski Kotar.

A Franciscan representative visited the head of the Serbian Orthodox monastery in Gomirje on 4. December 1992 for negotiations about the sale of this westernmost Orthodox institution, built in 1602.

On December 28, 1992 young men from a number of Serbian villages were drafted, contrary to the oral agreement with the local Croatian authorities that they would not mobilise Serbs until the final resolution of the crisis in former Yugoslavia.

The small number of Serbs who are still employed in Vrbovsko are maltreated in various ways with a view to implementing ethnic cleansing in this town.

The last group of refugees left Jasenak on 24, December 1992.

From January 1993 to date, the Serbian enclave in Gorski Kotar has been surrounded by Croatian Army forces which have deployed heavy artillery and troops on the roads leading to Serbian villages, parallel with the Croatian war operations in the Republic of Srpska Krajina. We wish to emphasize that the Serbs in Gorski Kotar are not armed, and that they are surrounded by about 20 brigades of Croatian troops. Likewise, according to the Serbian population in Gorski Kotar the Croatian authorities, army and police forces are exercising the most severe forms of discrimination against the Serbs and are gravely violating their fundamental human rights and civil freedoms.

On 27 January the Serbian population was prohibited and prevented, on pain of military attack and destruction of the monastery, from celebrating the greatest Serbian religious holiday St. Sava's Day which has been traditionally celebrated each year in the Monastery Gomirje (on the territory of the Serbian enclave in Gorski Kotar), and the representatives of UNPROFOR saw for themselves that the Serbian people were brutally prevented from celebrating their feast, provoking the deep and justified revolt of the Serbs.

Owing to the flagrant violation of the fundamental principles on the respect of human rights, the Representative Office of the Serbs from Gorski Kotar addressed an appeal on 26 January, 1993 to the Chairman of the UN Security Council, UN General Assembly and UNPROFOR high officials on the soil of former Yugoslavia to intervene with the Croatian authorities and request the observation of the provisions of international law and the withdrawal of military and police forces from the border region of Gorski Kotar.

On 9 February and 12 March draft calls were sent to the Serbs of Gorski Kotar, who collectively refused to accept them on the basis of the oral agreement reached in 1990 with the local Croatian authorities that they would not take part in a fratricidal war. A number of Serbs from Ogulin and Vrbovsko were mobilized by force into the Croatian army. Some of them took refuge in Serbian villages in Gorski Kotar.

The latest call for the mobilisation of Serbs from Gorski Kotar in all eight local communities (Srpske Moravice, Gomirje, Potok Musulinski with Vitanja and Brestovac, Jasenak,

/...

Drežnica, Gornji Kraj, Ponikve, Donja Dubrava and Gornja Dubrava) and their disposition to the front-line to fight against their Serbian brothers and against the Republic of Serbian Krajina may be the cause of an armed rebellion and conflict, since the Serbs from this area absolutely refuse to be mobilised. In other words, by mobilising the Serbs the Croatian authorities intend to man their units, the same units that have carried out the aggression against the Republic of Serbian Krajina. Our Representative Office informed the international community of this problem and sent an appeal for help on January 20, 1993.

In the vicinity of Brinje the Croatian troops are plundering Serbian villages and taking away cattle and property.

The Serbs that leave the enclave in order to go to a hospital or into neighbouring Croatian towns are maltreated, beaten and even arrested and interrogated.

Despite repeated appeals addressed to the UNPRFOR Headquarters in Zagreb, the Regional EEC centre and UNCHR to help the Serbian enclave in Gorski Kotar, a peaceful community which is exerting efforts to resolve its status through democratic means and political agreement, their position has not been improved.

If international factors do not exert pressure on the Croatian authorities to withdraw their forces from the border areas of the Serbian enclave in Gorski Kotar, a conflict may arise with tragic consequences for the Serbian people in this region.

Boutros Ghali, Cyrus Vance and Cedric Thornberry have been informed about the existing situation in Gorski Kotar.

* * *

The presented facts confirm that, regardless of the guarantees given and the peaceful policy pursued by the Serbs in Gorski Kotar, the status of this Serbian community has not in essence been improved. The human rights and freedoms of the Serbian people in this area, including their religious freedoms, are being gravely violated. There is not even the slightest indication of a solution to the overall political status of the Serbian people in the Republic of Croatia.

The latest aggression of the Republic of Croatia on the territory under the protection of the United Nations, and especially in the Northern Dalmatian and Lika region (Sector South) has profoundly upset the Serbian population in Gorski Kotar, the more so considering that the United Nations and international community have not provided for the physical protection of the Serbs in this area, namely for their inclusion into the so-called pink zones under UN protection.

We wish once again to impress upon the United Nations, international organizations, institutions and the world /...

public, that the latest aggression of the Republic of Croatia in wanton contravention of the UN decisions on the protection of the Serbian people, which has been condemned by the Security Council, may well lead to genocide of the entire defenceless Serbian community in the Gorski Kotar region.

As by virtue of the Agreement with the Croatian authorities on the handing over of arms signed in Vrbovsko on 6 July 1992 in the presence of and with the guarantees of the representatives of the European Community and the UN High Commissioner for Refugees, the Serbian people of Gorski Kotar have remained virtually unprotected, we request the United Nations to send an adequate number of peace forces to this region. In this dramatic situation this is the only effective guarantee that can prevent the physical extinction of the entire Serbian community in Gorski Kotar.

The Serbian people of Gorski Kotar request the United Nations to demand from the Croatian authorities to observe the principles stipulated in their Constitution adopted in December 1991, guaranteeing fundamental human rights and freedoms to the Serbian people, and, accordingly, to provide for its special status and to ensure and enable international arbitration for the purpose of the protection of fundamental human rights and freedoms, to demilitarise the areas around Gorski Kotar, enable the economic recovery of this region and establish traffic, PTT and other communications with this region; they request the UN to provide for their physical protection by sending adequate peace forces, and to deploy regular observers as well.

/...

At the Meeting held in Vrbovsko on 6 July 1992, in the presence of the representatives of the United Nations High Commission for refugees, the authorized representatives of the Drežnica, Gomirje, Jasenak and Srpske Moravice Local Communities on the one hand, and the Karlovac Police Department on the other, have concluded the following:

A G R E E M E N T

I

The Contracting Parties have noted that, prior to the outbreak of the armed conflict in the territory of the Republic of Croatia, the armed forces of the former SFRY have provided the Jasenak, Drežnica, Gomirje and Srpske Moravice Local Communities with a certain quantity of weapons for the purpose of self protection. However, the specified Local Communities have in the meantime neither used the available weapons nor have they threatened the security of the nationals or the property of the Republic of Croatia.

During the armed conflict in the Republic of Croatia, the local communities of Jasenak, Drežnica, Gomirje and Srpske Moravice advocated a political solution to open and controversial issues, recognized the authority of the Republic of Croatia, and were met with the understanding of the local authorities of the Communes of Vrbovsko and Ogulin, the Police Department of Karlovac and the Government of the Republic of Croatia.

II

The Contracting Parties have agreed that the Local Communities of Jasenak, Drežnica, Gomirje and Srpske Moravice shall store the weapons received from the former SFRY armed forces in the depots of the Vrbovsko Police Station and its Unit in Jasenak.

The representatives of the Local Communities have agreed to call on the population of their Local Communities to surrender the weapons obtained from the army to the police authorities, regardless of how they had been procured.

The surrendering of the weapons referred to in paragraph 1, Item I, shall be carried out within five days from the date of the signing of this Agreement.

III

The Local Communities and the Karlovac Police Department are in agreement with the setting up of reserve police units of the below listed size:

Jasenak	30
Drežnica	40
Gomirje	30
Srpske Moravice	30

/...

IV

The Local Communities of Jasenak, Drežnica, Gomirje and Srpske Moravice support the decision of the Ministry of the Interior to set up a Police Unit in Jasenak.

The Karlovac Police Department has committed itself to ensuring that the composition of the Police Unit in Jasenak proportionately reflect the national structure of the respective Local Communities.

V

The Jasenak, Drežnica, Gomirje and Srpske Moravice Local Communities take upon themselves to dismantle all fortifications within 15 days from the date of the coming into force of this Agreement.

VI

The Karlovac Police Department takes upon itself not to take measures within its competences against those citizens who surrender the above weapons to the respective police stations in keeping with this Agreement.

VII

This Agreement shall come into force and be implemented from the date of its signing.

Done in Vrbovsko, 06/07/1992

President of the Local
Community of Jasenak

President of the Local
Community of Brežnica

President of the Local
Community of Gomirje

President of the Local
Community of Srpske Moravice

Representative of the
UN High Commission for
Refugees

Head of the Karlovac
Police Department

I, Ignjatije Zrnić, born in Partizanska Drežnica, Commune of Ogulin, on 17 August 1960, residing at Josipdol BB, hereby give the following:

S T A T E M E N T

On 18 November I was at work. A patrol of the Ministry of the Interior came to pick me up and arrested me without any reason or warrant. I was taken to the Ogulin police station. Upon arriving there, I encountered several people who had already been arrested earlier that day. Arrests went on until the evening hours and a total of 23 persons were taken in, all of whom were of Serbian nationality. Interrogations started the same evening. The arrested were interrogated one at a time by six to eight persons. They already knew the answers to the questions asked. I was interrogated by a man who worked with me in the Čumerija enterprise at Josipdol, so there was no way I could either fail to disclose or conceal anything. Interrogation was accompanied by beating. My interrogation lasted one hour and ten minutes. My legs and arms were beaten up by nightstick and they pushed my head into a bucket full of water. When I asked why had I been taken in, the answer was that I was accused of having had participated in the armed rebellion against the Republic of Croatia. Simultaneously with my arrest, my abode were searched, but no compromising material or weapons were found.

While we were in detention, three persons were killed and one was inflicted three wounds. There were usually two guards on watch. On 19 November in the afternoon, those two guards were joined by another armed person who, after spending there some 15 minutes, started shooting at us from his machine gun. The guards succeeded in stopping and disarming him. When the shooting ceased we realized that three men had been killed (Dušan Plečaš, Božo Mandić and Nikola Papić) and that the fourth one (Mićo Pešut) had been seriously wounded. After that incident they moved us to another room where we spent the night. The next afternoon, about 14.00 hours we were released without a word of explanation, but with a warning that we should better watch what we do and how we live.

The day after those events had taken place, I left my place of residence, and some 20 days later I learned from my parents that my house had been blown up by a mine and damaged.

signed Ignjatije Zrnić

Belgrade, 21 April 1992

S T A T E M E N T

Statement given in Sombor by Gojko Šegan from Josip Dol on 21 April 1992, at 17.00 hours

On 17 November 1991, at 07.20 hours in the morning some ten men (of the so called "Josip Turković's intervention unit") arrived to my house in an Ogulin Police van and started the search. They did not show me any search warrant. The search was carried out without incidents. Since in my home they did not find anything they were after (weapons, documents, propaganda material, etc.), they took me in their van to my parents' place and searched it too. The result was the same. Then they took me to my old flat and searched it as well. They found nothing. We then went to my place of work, and again a search followed, but again with the same result. All that happened between 7.20 and 1.00 hours in the morning in Josip Dol. I was then taken to the Ogulin police station with the explanation that I had to give a kind of a statement.

After having waited in the police station for 2-3 hours to be interrogated, I was taken to an elderly investigator (allegedly from Zagreb) dressed in civilian clothes. I was requested to give personal data and in a conversation I was asked about my connections with the Serba from Plaški. That went on for about half an hour. The first conversation ended with a threat that, since I don't want to do it peacefully, I shall "be made to reveal my connections otherwise". I was then entrusted to a guard who took me to a meeting room where I spent 1-2 hours. While I was there the guard was scaring me all the time by clicking his gun and pointing it at my head. Suddenly he went out, and two men entered the room (one of them a tall HOS -Croatian Defense Forces- member, wearing a red beret and the other a shorter man in civilian clothes). They started interrogating me and then the HOS member kicked me in the head with his boot and was immediately joined with the civilian. The beating went on for a short time. My head was bleeding as I was quite beaten up. Before going out of the room, they left me some paper and a pencil and ordered me "to write down everything I knew". Half an hour later the same two men re-entered the room and when they realized that I had written nothing on the sheet of paper they left me, they threw me on the ground and went on kicking me (this time they did not kick me in the head). It lasted more or less the same as the first round. They left but came back within 2-3 minutes with a man by the name of Djuro Prodanović, who was visibly beaten up. They left him in the room and went out. The guard stayed with us. About half an hour later the same two men came back and the "civilian" took Djuro away, while the HOS member stayed with me. This time he did not beat me, but rather demanded that I confess everything. As I remained silent for a couple of minutes, he stood up, went out but came back very soon with bread and canned meat and gave them to me. After some ten minutes he re-appeared, noted that I had eaten very little, smiled and left. I never saw him again.

Soon, they brought Djuro back. He told me that he was also given some food. Later on we were both taken to a prison cell on the ground floor, where it was already completely dark. Željko Tomić from Drežnica, who was badly beaten up, was lying in the cell. During the night he told us that they "took turns" in beating him, forced him to sing Ustashi songs and to declare himself as a "Chetnik". We fell asleep just before dawn and woke up on 18 November 1991 at about 8 o'clock in the morning. At about 11 o'clock Djuro and I were released from the cell and told that we were going home and we were taken to the (meeting) room upstairs where we found about ten Serbs from Josip Dol who had been arrested that morning: 1. Plećaš (first name maybe Dušan), 2. Živko (nick-named Pezija), 4. Božo Mandić, 4. Bane (worker at the sowing mill), 5. Milan Boca (called Ćiro), 6. Milan Jančić (known as Brzi - Speedy), 7. Pero (nick-named Cimeša), waiter - used to work at the sowing mill, 8. Zrnić (nick-named Braco), 9. Mičo Popović - a retired traffic policeman, 10. Mišo Pešut, 11. Bogdan Mišljenović from Oštarija. During the afternoon, one of the guards collected money from us and bought us some sandwiches and cigarettes. That was all we ate that day. In the evening we were taken to the cafeteria in the basement where all of us were kept together until 20.00 hours. Two guards were with us at all times.

At 20.00 hours two "Turković's special policemen" came and took one among us probably to the meeting room upstairs, with his hands handcuffed on his back. We heard the man screaming upstairs and the yelling of the policemen. When he was brought back (I cannot remember who was the first one to be taken upstairs for beating), they took the next one. They beat each one for an hour by "taking turns" and after bringing one person down they took the next one up. That went on until 04.00 hours in the morning on 19 November 1991. The majority of those men were severely beaten (they jumped on their chest from the table and did so many other things). All the time we were threatened by different atrocities, and a person named Mujo, called the Sheriff, cocked his gun and pointed it at us and threatened that he would kill us all. That night it was not "my turn for beating", because Mujo, the Sheriff, was "saving me for the end". They left us to rest from 04.00 to 07.00 hours.

At about 7,30 o'clock, two men wearing old police uniforms came in. They took our personal data and left. We never saw them again. Around noon one of Turković's special policemen asked me and Djuro to tell him who the main Chetnik in Josip Dol was and the names of all SDS (Serbian Democratic Party) members. We told him the names of those whom we knew for sure that had fled and the name of a deceased. They checked the information we had given them and came back furious telling us that next time we shall give them the names of the right people.

In the course of the afternoon (after 14.00 o'clock) within a 2-3 hours period they brought in the following people: 1. Rade Prodanović, 2. Pero Popović, 3. Mile Kukić (all from Josip Dol). I think that it was later that same day that they brought in the following: 1. Nikola Papić, from Ogulin, 2. Djuro (Director of the Komunalac enterprise of Ogulin), 3. Gojko - pensioner from Josip

/...

Dol, former army officer in Karlovac, 4. Čedo (nick-named Perkankin) - baker together with Hamdija "the Bosnian" from Josip Dol, Aleksa Jančić and his brother were also brought in (I cannot remember when), but they were released the same day at the intervention of the policeman Marjan Kolić.

At about 18.45 o'clock Djuro and I were sitting at one of the tables, while across from us were the "special policemen" Marjan Klačanin and another one from Modruša. At about 19.00 o'clock, in addition to the outside guard, a member of the ZNG (Croatian National Guard) Stipica Puškarić (I believe him to be from Prapuče), walked in armed with a machine gun (I think it was black). He stood in the middle of the room without saying a word, while special police member Kličanin and his colleague went up to him and led him out of the cafeteria telling him that he shouldn't be there. The two men came back without him and sat down at our table again. A minute or two later, Puškarić came back in, walked straight to our table and sat down. I had the impression that he was drunk. He started a conversation about the war with the special police members and was telling about his experiences (probably in Osijek). Then special police members told him that he should take a rest and have some sleep, because the shift was over. He stood up quietly, started towards the door, but suddenly turned around, cocked his gun and yelled: "f... your Chetnik mother, I am gonna kill you all", and started shooting at us (I believe that he was firing individual shots). The members of the special police immediately got up and started. They pushed his gun so that it pointed towards the floor. He, nevertheless continued shooting until special police member, Kličanin, struck him in the head with his own gun.

In the commotion we all fell on the floor and Stipica Puškarić was taken out. I rushed to the wounded Papić's aid and realized that Plečaš was already dead, and so was Božo Marendić. I heard that Papić died the following day. I doubt that Puškarić was using bullet shells, since later on in the cloak room we found small cartridges. Policemen Božović called the ambulance which took away Papić as well as Pešut who was wounded in both legs and the left shoulder. After that one by one, we were all taken into the conference room upstairs where we spent the night.

In the morning of 20 November 1991, they got us some sandwiches for the money we had on us. At about 13.00 - 14.00 hours I was released. I was unable to obtain any information as to my wife's whereabouts. A policeman whispered an advice to me in passing: "run away." We were told that we would all be set free, and that actually happened.

As far as I know, the Croatian authorities did not investigate this incident. The murderer was later on frequently seen walking freely the streets of Ogulin.

I, Đoko-Đorde Milanović, born on November 7, 1950 in Ogulin, address: 54a and 54 Puškarići, hereby make the following

S T A T E M E N T

My family, namely my wife and two sons and I lived in the local community of Puškarići, in our house, 10 x 9 m, and an inherited house, 5 x 8 m. I was employed in the "Prevoz" Ogulin work organization and my wife is a disabled worker and gets disability pension.

I never had any quarrel with any inhabitant of the Republic of Croatia. On the contrary I had family and godfather ties with that people until the war broke out. When the Croatian Democratic Community (HDZ) assumed power in May 1990 my family was subjected to isolation on the part of our neighbours, exposed to harassment over the phone, to provocations every night with shooting around the house and destruction - shooting at my cousin's house which is cca. 200 m from mine.

All this lasted until December 10, 1991 when on account of overt threats I had to leave my home and come to Serbia.

Immediately thereafter, on January 19, 1992, mines were set to the house for the first time, and then once again in February, and it was razed to the ground by mines on March 7, 1992. I have a report and photographs as evidence.

My old house was totally destroyed and burned down in August, so that my only remaining property is a garage 8 x 8 m, of which only the foundations are still standing as far as I know.

/...

All the appliances , furniture and things in the house were destroyed, except some small articles which were saved.

I believe that my family could never again live there, because this is the second time in 50 years that the property of my family has been completely destroyed. The maltreatment and fear experienced by my children must be sufficient warning to me as a parent to find a life for my family where they will never again be maltreated and persecuted solely because of something they had no influence whatsoever on , i.e. because of being of a different nationality than the Croats with whom we used to live.

Belgrade, October 10,1992

sgd. Dorde Milanović

/...

ASSESSMENT OF DAMAGE

Date-----

Form RŠ-01

R Š 0 1

Form No. 2/7

DAMAGE TO BUILDING

1. Data on facility for which assessment is made

a) Name of enterprise, institution

Name and surname of owner Đoko Milanović

b) Number in joint register.....

Ordinal number of unit in its framework

c) Commune Ogulin City Ogulin

Street and Number Puškarići 54a

d) Activity (branch according to JKD)

2. a) Damage inflicted by unknown

b) Time damage was inflicted (place, date and hour) 07.03.1992
at 2.45 a.m.

DATA ON FACILITY

1. LOCATION OF FACILITY

Commune Ogulin 1154

Town Ogulin ...

Local community

Sv.Petar ...

4. NAME OF FACILITY

residential building

(One-story building)

(From nomenclature of facilities,
and for privately owned facilities,
from instructions for filling in
this form)

5. OWNERSHIP OF FACILITY

Socially owned 1

9. DAMAGE TO FACILITY

Damaged 1

Destroyed 2

Looted 3

10. CATEGORY OF DAMAGE

TO BUILDING (Copy no. of
category for buildings) VI

11. BUILDING CONSTRUCTION

Hard bldg. materials 2

Soft bldg. materials 3

12. FLATS-total

No. of flats ...

Area in m2 ...

No. of households in

flats 1 /...

Privately owned	<u>2</u>	No. of persons in flats	<u>4</u>
State owned	<u>3</u>		

6. YEAR OF CONSTRUCTION

OF FACILITY 1918

7. CONSTRUCTION PERMIT

exists yes
does not exist ...

8. SIZE OF FACILITY

Measurement unit meter

Size 10 x 9 m

(Enter area of damaged part or
total size of facility according
to instructions for this form)

13. DAMAGED FLATS

No. of flats 2

Area in m2 ...

No. of households ...

No. of persons in
flats ...

14. AREA OF BUSINESS SPACE
IN M2

15. AMOUNT OF DAMAGE TO

FACILITY

in Din. 000 ...

(figure from damage
assessment, item 8)

16. INSURANCE WITH INSURANCE COMPANY AGAINST WAR DAMAGE

Insured 1 Uninsured 5-

- damages claimed ...2
- damages to be claimed ...3
- damages already collected...4

ASSESSMENT OF DAMAGE TO DESTROYED AND DAMAGED FACILITY

1. Size of destroyed facility

(item 8 of this form).....

2. Price per measurement unit, in Din.000.....

3. New value of destroyed facility (1x2) in Din.000.....

4. Amount of depreciation (question 50/100) in Din.000 2175

5. Current value of destroyed facility (3-4) in Din.000 5073

6. Costs of repairing damaged facility, in Din.000 (from form RŠ-POM)

7. Value of saved materials in Din.000 (from form RŠ-POM) 262

8. Amount of damage (for destroyed facility 5-7; for damaged
facility 6-7) 4911

In Ogulin

Date March 17, 1992

COMMISSION MEMBERS

Seal of the Republic of
Croatia
Executive Council
Communal Assembly Ogulin

1..sgd.....
2..sgd.....
3..sgd.....

RŠ 01-POM

Saved:

1. brick from supporting walls 25%
2. foundations of the building

m3 6,00 1,30 8
% 5 5073 254
Total: 262 000 din.

Ogulin , March 13,1992

RESIDENTIAL BUILDING - ONE- STORY BUILDING

DORDE MILANOVIĆ

OGULIN, Puškarići 54 a

LIST OF DESTROYED THINGS

1. Upper floor - complete bedroom, radio set, rug, chandelier, curtains
2. Childrens' room - hardwood cupboard, two beds, rug, curtains, two armchairs, table and chandelier, two bedside lamps.
3. Living room: wall to wall cupboard, table, six chairs, settee, rug, curtains, deep freeze, black and white TV set
4. Hall: wardrobe, rug, telephone, chandelier and electricity meter.
5. Bathroom: wood-electricity furnace, washer, WC , sink ,etc.
6. Attic: 3 TV antennas, two pairs of skis with equipment, etc.
7. Staircase: tread lined with cherry wood, wooden wall linings, chandelier.
8. Ground floor: living room and kitchen: hardwood cupboard, 4 m. long, table and six chairs, couch, two desks, black and white TV set and table, two chandeliers, rug, two curtains. Kitchen: three cupboards and sink, three cupboards with glass doors and one stove fuelled by wood, one electric stove, furnace 30,000 calories, a large refrigerator. "Obodin". A complete central heating system with appurtenances and equipment, a large hot water boiler. WC, sink and hanger.
9. Entrance hall: bench, hanger, cupboard for shoes, chandelier and rug.
10. Room on ground floor: 20 m3 of wood, 1 plastic barrel 200 liters for cabbage, one wooden barrel, one fireplace furnace, 1 electric furnace, various materials (text illegible ... and various tools. Stores for the winter - potatoes, cabbage, etc.

Other damage:

RŠ 03-POM

- furniture for 2 rooms -	pcs	2	125 000	250 000
- fuel wood	m2	20	1 000	20 000
- plastic barrel, 200 l	pcs	1	3 000	3 000
- wooden barrel,	pcs	1	5 000	5 000
- stores for the winter	- lump sum			20 000
- electric furnace	pcs	1	5 000	5 000
- various tools	- lump sum			15 000

Total: 328 000 din.

Note: all prices in this report established in September 1991.

Seal

Signature

REPUBLIC OF CROATIA
MINISTRY OF INTERNAL AFFAIRS
POLICE HEADQUARTERS, KARLOVAC
POLICE STATION, VRBOVSKO
No. 511-05-60/2-1-UPI# 48 92
Vrbovsko, 9th July 1992

With reference to the ex officio deletion of the permanent residence of Carević Ljubica, subject to Article 13 para 3 of the Law on Registration of the Domicile and Permanent Residence of Citizens ("People's Bulletin", No. 53/91.), Article 141 of the Law on General Administrative Procedure ("Official Gazette" No. 47/86) and Article 1 of the Law on the Application of the Law on General Administrative Procedure in the Republic of Croatia ("People's Bulletin," No. 53/91), the Ministry of Internal Affairs of the Republic of Croatia, Police Headquarters Karlovac, Police Station Vrbovsko, hereby brings the following

D E C I S I O N

1. on the DELETION of CAREVIĆ Ljubica, born on March 15th 1954, from the register of permanent residents of Vrbovsko, Srpske Moravice, Dokmanovići lc.
2. on the ANNULMENT of identity card, Registration No. 11133, issued by the Police Station of Vrbovsko.
3. Appeal shall not stay enforcement.

R a t i o n a l e

Carević Ljubica, father's name Vučinić Georgije, born on March 15 1954, in Rijeka, registered in Vrbovsko as her permanent place of residence since birth, at the address : Srpske Moravice, Dokmanovići lc.

Inspection of the Register of Residents, showed that the above-mentioned was still registered at the said address.

In connection with Article 12, para 3 of the Law on the Domicile and Permanent Residence of Citizens, the Police Headquarters Karlovac, Police Station Vrbovsko, initiated an official procedure for establishing the authenticity of residence data at the above address.

Inspection in the field established that Carević Ljubica does not reside in Srpske Moravice, Dokmanovići lc, which she left for Serbia - Belgrade, in September 1991.

Since Article 13, para 3 of the Law on the Domicile and Permanent Residence of Citizens and Article 10 of the Law on Identification Card ("People's Bulletin", No. 53/91), stipulate that residence data must be accurate and true, and as the term "residence" is understood to mean the place where one permanently resides, the aforesaid shows that Carević Ljubica does not permanently reside at Srpske Moravice, Dokmanovići lc, warranting the above decision.

Pursuant to Article 231. of the Law on General Administrative Procedure ("Official Gazette No. 47/86) and Article 1 on the Application of the Law on General Administrative Procedure in the Republic of Croatia ("People's Bulletin", No. 53/91), appeal shall not stay enforcement of the said Decision.

This Decision is exempt from charges pursuant to Article 8, item 1, of the Regulation on Administrative Charges ("People's Bulletin", No. 40/92).

/...

Instruction on legal remedy:

An appeal against this Decision may be lodged with the Appeals Commission in Administrative Procedure of the Ministry of Internal Affairs of the Republic of Croatia, Zagreb, Avenija Vukovar 33, 15 days upon receipt of the Decision. The Appeal shall be submitted in writing, directly or by registered mail, via the Vrbovsko Police Station, with tax stamp duties of 200 HRD, under No. 3 of the Regulation on Administrative Charges.

Co.:

COMMANDER OF THE
POLICE STATION:

1. CAREVIĆ Ljubica

sgd. Robert Jurašić

-
2. Vrbovsko Police Station - SJS
 3. Local Records Office

Delivered on September 30th, 1992

REPUBLIC OF CROATIA
MINISTRY OF INTERNAL AFFAIRS
POLICE HEADQUARTERS, KARLOVAC
POLICE STATION, VRBOVSKO
No. 511-05-60/2-1-UIP# 123 /92
Vrbovsko, 9th July 1992

With reference to the ex officio deletion of the permanent residence of Carević Simo, subject to Article 13 para 3 of the Law on Registration of the Domicile and Permanent Residence of Citizens ("People's Bulletin", No. 53/91.), Article 141 of the Law on General Administrative Procedure ("Official Gazette" No. 47/86) and Article 1 of the Law on the Application of the Law on General Administrative Procedure in the Republic of Croatia ("People's Bulletin," No. 53/91), the Ministry of Internal Affairs of the Republic of Croatia, Police Headquarters Karlovac, Police Station Vrbovsko, hereby brings the following

D E C I S I O N

1. on the DELETION of CAREVIĆ Simo, born on September 21st, 1977, from the register of permanent residents of Vrbovsko, Srpske Moravice, Dokmanovići lc.
2. on the ANNULMENT of identity card, Registration No. _____ issued by the _____.
3. Appeal shall not stay enforcement.

/...

R a t i o n a l e

Carević Simo, father's name Carević Nedeljko, born on September 2st, 1977, in Ogulin, registered in Vrbovsko as his permanent place of residence since birth, at the address : Srpske Moravice, Dokmanovići lc.

Inspection of the Register of Residents, showed that the above-mentioned was still registered at the said address.

In connection with Article 12, para 3 of the Law on the Domicile and Permanent Residence of Citizens, the Police Headquarters Karlovac, Police Station Vrbovsko, initiated an official procedure for establishing the authenticity of residence data at the above address.

Inspection in the field established that Carević Simo does not reside in Srpske Moravice, Dokmanovići lc, which he left for Serbia - Belgrade, in September 1991.

Since Article 13, para 3 of the Law on the Domicile and Permanent Residence of Citizens and Article 10 of the Law on Identification Card ("People's Bulletin", No. 53/91), stipulate that residence data must be accurate and true, and as the term "residence" is understood to mean the place where one permanently resides, the aforesaid shows that Carević Simo does not permanently reside at Srpske Moravice, Dokmanovići lc, warranting the above decision.

Pursuant to Article 231. of the Law on General Administrative Procedure ("Official Gazette No. 47/86) and Article 1 on the Application of the Law on General Administrative Procedure in the Republic of Croatia ("People's Bulletin", No. 53/91), appeal shall not stay enforcement of the said Decision.

This Decision is exempt from charges pursuant to Article 8, item 1, of the Regulation on Administrative Charges ("People's Bulletin", No. 40/92).

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Instruction on legal remedy:

An appeal against this Decision may be lodged with the Appeals Commission in Administrative Procedure of the Ministry of Internal Affairs of the Republic of Croatia, Zagreb, Avenija Vukovar 33, 15 days upon receipt of the Decision. The Appeal shall be submitted in writing, directly or by registered mail, via the Vrbovsko Police Station, with tax stamp duties of 200 HRD, under No. 3 of the Regulation on Administrative Charges.

Co.:

COMMANDER OF THE
POLICE STATION:

1. CAREVIĆ SIMO c/o

sgd. Robert Jurašić

Carević Ljubica

2. Vrbovsko Police Station - SJS
3. Local Records Office

Delivered on September 30th, 1992

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REPUBLIC OF CROATIA
MINISTRY OF INTERNAL AFFAIRS
POLICE HEADQUARTERS, KARLOVAC
POLICE STATION, VRBOVSKO
No. 511-05-60/2-1-UIPI# 122 /92
Vrbovsko, 9th July 1992

With reference to the ex officio deletion of the permanent residence of Carević Nikola, subject to Article 13 para 3 of the Law on Registration of the Domicile and Permanent Residence of Citizens ("People's Bulletin", No. 53/91.), Article 141 of the Law on General Administrative Procedure ("Official Gazette" No. 47/86) and Article 1 of the Law on the Application of the Law on General Administrative Procedure in the Republic of Croatia ("People's Bulletin," No. 53/91), the Ministry of Internal Affairs of the Republic of Croatia, Police Headquarters Karlovac, Police Station Vrbovsko, hereby brings the following

D E C I S I O N

1. on the DELETION of CAREVIĆ Nikola, born on September 23rd, 1975, from the register of permanent residents of Vrbovsko, Srpske Moravice, Dokmanovići lc.
2. on the ANNULMENT of identity card, Registration No. _____ issued by the _____.
3. Appeal shall not stay enforcement.

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R a t i o n a l e

Carević Nikola, father's name Carević Nedeljko, born on September 23rd, 1975, in Ogulin, registered in Vrbovsko as his permanent place of residence since birth, at the address : Srpske Moravice, Dokmanovići lc.

Inspection of the Register of Residents, showed that the above-mentioned was still registered at the said address.

In connection with Article 12, para 3 of the Law on the Domicile and Permanent Residence of Citizens, the Police Headquarters Karlovac, Police Station Vrbovsko, initiated an official procedure for establishing the authenticity of residence data at the above address.

Inspection in the field established that Carević Nikola does not reside in Srpske Moravice, Dokmanovići lc, which he left for Serbia - Belgrade, in September 1991.

Since Article 13, para 3 of the Law on the Domicile and Permanent Residence of Citizens and Article 10 of the Law on Identification Card ("People's Bulletin", No. 53/91), stipulate that residence data must be accurate and true, and as the term "residence" is understood to mean the place where one permanently resides, the aforesaid shows that Carević Nikola does not permanently reside at Srpske Moravice, Dokmanovići lc, warranting the above decision.

Pursuant to Article 231. of the Law on General Administrative Procedure ("Official Gazette No. 47/86) and Article 1 on the Application of the Law on General Administrative Procedure in the Republic of Croatia ("People's Bulletin", No. 53/91), appeal shall not stay enforcement of the said Decision.

This Decision is exempt from charges pursuant to Article 8, item 1, of the Regulation on Administrative Charges ("People's Bulletin", No. 40/92).

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Instruction on legal remedy:

An appeal against this Decision may be lodged with the Appeals Commission in Administrative Procedure of the Ministry of Internal Affairs of the Republic of Croatia, Zagreb, Avenija Vukovar 33, 15 days upon receipt of the Decision. The Appeal shall be submitted in writing, directly or by registered mail, via the Vrbovsko Police Station, with tax stamp duties of 200 HRD, under No. 3 of the Regulation on Administrative Charges.

Co.:

COMMANDER OF THE
POLICE STATION:

1. CAREVIĆ Nikola, c/o
Carević Ljubica

sgd. Robert Jurašić

2. Vrbovsko Police Station - SJS
3. Local Records Office

Delivered on September 30th, 1992

LJUBICA CAREVIĆ
DOKMANOVIĆI 1 C
Srpske Moravice

TO THE PRESIDENT OF THE LOCAL COMMUNITY
SRPSKE MORAVICE

Enclosed is my appeal to the Ministry of Internal Affairs of the Republic of Croatia and a copy of my letter to the Vice-president Milan Djukić for his information.

I talked to the EC Monitoring Mission representatives on October 5, 1992.

Respectfully,

Ljubica Carević

/...

CAREVIC LJUBICA
Dokmanovici 1 c.
SRPSKE MORAVICE 47 323

Srpske Moravice, October 5, 1992

MINISTRY OF INTERNAL AFFAIRS OF THE REPUBLIC OF CROATIA
Administrative Procedure Commission of Appeals
Avenija Vukovar 33
ZAGREB

Pursuant to Decisions on the deletion from the register of permanent residents, No. 511-050-60/2-1-UIP # 48/92; 511-050-60/2-1-UIP # 122/92, 511-050-60/2-1 UIP # 123/92 and 511-05-60/2-1 UIP # 76/92, issued by the Police Station in Vrbovsko I hereby lodge an

APPEAL

against these decisions which I consider totally legally unfounded. The facts have not been accurately established and I believe that these decisions were made in pursuit of personal and higher political objectives since I am a disabled retiree of the Secretariat of Internal Affairs of Vrbovsko and my husband has been fired from the Administration of the Commune of Vrbovsko where he was an official, and we are both Serbs by nationality. The decisions were not served on time but were, at my insistence, written on September 30, 1992, which took two hours, from 9 to 11 a.m. I believe that this measure was deliberately designed to deprive me and my family of our civil rights, i.e. drive us away from our own home and place of residence. I consider this decision an act of coercion, a statutorily enforced act of ethnic cleansing, because in all the democratic countries of the world every citizen has the right to choose the place of his education and to be absent from his place of residence at his own discretion. This decision is in contravention of the basic civil and human right of move-

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ment and freedom of citizens |and nationals. I hope that this gross error will be adequately redressed.

Ljubica Carevic

Copies to:

1. Vice-president Milan Djukic
2. EC Monitoring Mission via the Srpske Moravice
Local Community Office

Mr.Vice-president,

I am addressing you as a national of the Republic of Croatia with the request to review my case (involving a problem shared by many in the area of our local community).

My name is Ljubica Carević, I am a disabled retiree of the Secretariat of Internal Affairs of Vrbovsko, born on March 15,1954 in Rijeka, resident of Srpske Moravice, address: Dokmanovici 1 c., mother of two children (aged 15 and 17), wife of a fired official of the Commune of Vrbovsko, Serb by nationality. I am the owner of a family home built in 1979 and a bit over 3 hectares of land and forest.

When this war broke out I enroled my children at school in Belgrade because we had started to receive anonymous phone calls, and before that anonymous letters as well, not only addressed to us but also to the then Committee of the League of Communists and the Secretariat of Internal Affairs alleging that I and my husband were " unsuitable". In addition, the daily commuting to the school in Ogulin at a time of war was dangerous and threatened the lives and security of my children. These circumstances forced us to decide to move our children to temporarily reside and go to school in another place , which I believe to be the right and duty of parents.

However, the consequence of that decision was that my husband Nedeljko was declared politically responsible and "unsuitable"and was subsequently relieved of his duties as Director of Public Revenues and fired from the Administration of the Commune of Vrbovsko. Having thus been thrown out, in January 1992, my husband joined me and the children and tried to resolve our existential problems and needs in Belgrade . On April 21,1992 I applied for passports for me and the children and the Ministry of the Interior would not take an application for my husband saying that he had to apply in person.We were not issued passports. The explanation was ,first, that they were out of blank passport forms and later /...

that the procedure required two to three months. In the same period (May 1992) I was summoned to the Ministry of the Interior for an informative talk, where they seized my Yugoslav passport and tried to have me confess to some ostensible political and anti-state activities of my husband. As nothing of the kind exists I could not give them a reply in the affirmative. After some twenty days, at my intervention, they returned to me my old passport.

In the meanwhile the procedure was initiated for the eviction of my father-in-law, Simeon Carević, address Žrtava fašizma No.5., a retired railway worker; he and my family - I myself and my sons Nikola, born in 1975 and Sima born in 1977 were served with decisions on our deletion from the register of residents of the Commune of Vrbovsko only on September 30, 1992 when we tried to apply for a passport for my father-in-law and inquired after the status of our previously submitted applications.

I consider these decisions to be forced eviction acts, pressures on my family, and as depriving us of our civil and human rights by prohibiting our return, and an assault on our personal security and property, as there can be no other perception of the ultimate aim of this act. I feel endangered and as a second class citizen. I should like to mention that citizens from this Commune have been working abroad for many years without their names being struck from the residents' register, whereas my name and the names of the rest of my family were deleted just because we are Serbs by nationality.

Mr. Vice-president, I hope that as the official representative of the Serbs you will take my problem into consideration and solve it in a satisfactory way because I and my family were born here, made a honest living here and do not want to be forcibly driven out from our home and place of residence and leave our elderly parents and relatives, our graves and give away our property; neither do we want to be second class citizens who are prohibited to work being "unsuitable" according to the unwritten law of the present state. Our human and civil rights are being violated and we are

/...

being divested of them by force ostensibly according to some legal and democratic norms.

I have also informed the EC Monitoring Mission of this problem. As I have not been able to exercise my civil right and obtain a passport and move where I want to freely, I have to leave my place of residence, I hope temporarily, and my own home, so as not to be separated from my family as my Yugoslav passport expires on October 8, 1992. I am leaving for Belgrade so please inform me of the outcome at the following address: Kosanović Mihajlo, c/o Carević, Slobodana Penezića 15/II/3 Str., 11000 Beograd.

Respectfully yours,

Ljubica Carević
